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AUTHOR Hassel, Bryan; Burkhardt, Gina; Hood, Art
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ABSTRACT

Prospective founders of charter schools must gain the approval of a public organization empowered by state law to grant charters. Common examples of chartering entities include state and local boards of education, boards of public universities and community colleges, and specially created charter-school boards. This guide is designed to help officials at chartering entities design a process for reviewing charter-school applications, assemble a high-quality review team, establish meaningful review criteria, gather essential information, develop a process for arriving at good judgments, and blend the review process into a supportive charter-school environment. Besides aiding decision making, a well-designed review process is educational, enhances accountability, and builds relationships and legitimacy. The heart of this guide consists of practical, step-by-step information about establishing and implementing a top-notch charter school review process. Chapters cover: assessing the context, structuring the process, establishing criteria, generating good proposals, gathering information, making decisions, and evaluate the process. Each chapter includes Q & A's on pressing concerns, options (procedural advice on critical issues), and inspirational quotations. Appendices show which states have charter laws, list helpful resource persons and materials, and list federal laws applicable to charter schools. (MLH)

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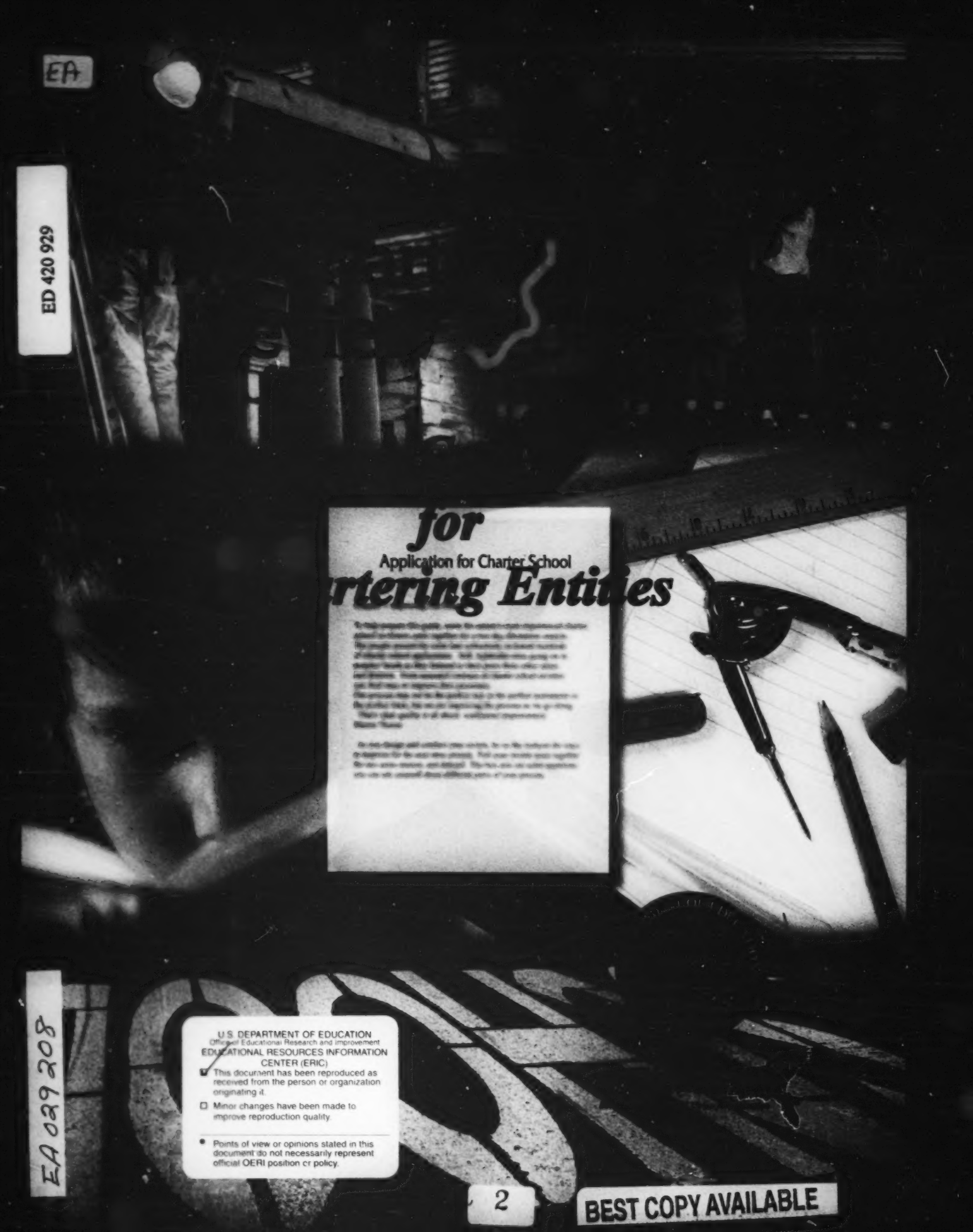

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The Charter School Review Process

A Guide for Chartering Entities

June 1998

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U.S. Department of Education
Public Charter Schools Program
Office of Elementary and Secondary Education
The Portals Building, Room 4500
600 Independence Avenue, SW
Washington, DC 20202
Telephone: (202)260-2671
FIRS 1-800-877-8339, 8 a.m. - 8 p.m., ET, M-F

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Written by:
Bryan Hassel, Public Impact, Charlotte, NC
Gina Burkhardt, SERVE
Art Hood, SERVE

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Introduction

Chartering Entities

To open a charter school, an applicant must gain the approval of a public organization empowered by state law to grant charters. These public organizations are called "chartering entities." State laws vary, but common examples of chartering entities include:

- *State boards of education*
- *Local boards of education*
- *Boards of public universities and community colleges*
- *Specially created "charter school boards"*

The importance of the charter school review process

By early 1998, 29 states, the District of Columbia, and Puerto Rico had adopted charter school laws. Currently, state boards of education, local school boards, university and community college boards of trustees, specially created "charter school boards," and other public bodies have been charged with the review of applications from prospective charter schools. These organizations know firsthand that "chartering entities" face difficult decisions when making judgments about whether applicants have devised a viable plan for a charter school, and whether they have the capacity to carry it out. These decisions are as important as they are difficult, because it is easier to stop low-quality schools before they start than to take away their charters down the road.

This guide will help officials at chartering entities design a process for reviewing charter school applications. The authors tapped the wisdom of active chartering entities from Arizona, California, Chicago, Massachusetts, Michigan, and North Carolina. Representatives of state boards of education, local boards of education, and other chartering entities came together for an intensive two-day meeting to discuss their work. This guide distills their experience and advice into a format that any chartering entity can use to design its own process.

Who should read this guide?

Chartering entities of all types, including local school boards, will find useful information in this document. It will be most helpful to readers who are committed to a genuinely open charter school review process, designed with the intent of granting charters to applicants who meet fair criteria.

It is important to understand that there are no easy answers to the tough dilemmas facing charter school decision makers. State laws and circumstances differ and require adapting the ideas presented here to state-specific situations. To help this process, this guide provides practical advice about:

- Steps in an effective review process
- Assembling a high-quality review team
- Establishing meaningful criteria for a review
- Gathering the information needed to make decisions
- Designing a process to arrive at good judgments
- Making an effective review process part of a supporting environment for charter schools.

A well-designed charter school review process is more than just a decision-making procedure. It can also be:

- ***An educational process.*** By preparing their applications, undergoing interviews and public hearings, and receiving feedback, charter school applicants learn a great deal. Applicants should emerge from the review process better prepared than when they started.
- ***An accountability-enhancing process.*** In most states, the charter application forms the core of the contract between the chartering entity and the approved school, setting out expectations of how the school will function and how well it will perform. By pressing petitioners to clarify their proposals, a good review process makes it easier to hold charter schools accountable for what they have promised to do.
- ***A relationship-building process.*** Depending on how a charter program works, the review process may be the first step in a long-term relationship with the school. Chartering entities often monitor charter schools or provide them with assistance. The review process can help initiate an effective relationship.
- ***A legitimacy-building process.*** Obviously charter school programs can be controversial. A well-designed and credible review process can help build the legitimacy of the charter program among proponents and opponents alike.

The charter school review process is only one component of the "operating environment" for charter schools—the set of laws, rules, procedures, and support structures that shape how charter laws are created and implemented in a given area. Other vital elements of this environment include:

- efforts to bring information to a broad range of potential charter applicants;
- technical assistance to both prospective and approved schools;
- defining charter school statutes and supporting regulations that make it possible for charter schools to succeed; and
- developing ongoing processes that hold charter schools accountable while allowing them the latitude to innovate.

This document touches on these issues but does not treat them in detail. Appendices include additional resources about these components of the charter school environment. One recommended reference is University of Washington/RAND's *Guidebook for Chartering Agencies*, written by Marc Dean Millot under the sponsorship of the U.S. Department of Education. Other references can be found in Appendix D.

> *"It doesn't do as much good to have an orderly application process if you don't have a nurturing environment in place for charters in the state."*
>
> Jon Schroeder, Director, Charter Friends National Network

What is in this guide?

This guide is a valuable resource for the hundreds of public bodies across the country empowered to review charter school applications and decide who should receive charters. Charter school applicants, groups that provide support to them, and policy makers will also find this document useful.

The heart of the guide is practical, step-by-step information about establishing and implementing a top-notch charter school review process. Each chapter addresses a different stage of the review process, providing an analysis of the most important choices that will have to be made.

- ***Assessing the context:*** understanding a state's charter statute, local politics, and the chartering agency's objectives and capabilities.
- ***Structuring the process:*** setting goals, thinking through the steps, establishing a timeline, and assembling a team to carry it out.

- ***Establishing criteria:*** in effect, deciding how to decide.
- ***Generating good proposals:*** designing a request-for-proposals (RFP), getting the word out, and helping applicants along the way.
- ***Gathering information:*** using interviews, public hearings, and other mechanisms to find out more about prospective schools.
- ***Making decisions:*** effectively and equitably bring all the information to bear to make final choices.
- ***Evaluating the process:*** continually documenting and reflecting to improve the next time around.

While these "steps" seem to follow a chronological order, devising a charter review process is really an iterative process that requires doubling-back and taking detours as the process is developed.

Included in each chapter are the following quick references:

Q&A's.

Answers to, or at least helpful thoughts on, some of the most pressing questions about the charter review process.

Options.

Clear, concise summaries of different ways to proceed on critical issues.

Additionally, Appendix A shows which states have charter laws and their years of passage. Appendices B and C list people you can contact for more information in all of the states with charter school laws. Appendix D lists other documents that may be helpful in planning a charter school review process. Appendix E contains sample documents and procedures used by chartering entities around the country. Appendix F lists federal laws applicable to charter schools.

CHAPTER 1: Assessing the Context

Three Elements of the Chartering Context

- The state's charter school statute
- Local charter school politics
- The chartering agency's objectives and capabilities

Effective charter school review processes reflect the state and local context. This chapter focuses on three elements of that context: the state's charter school statute; the local politics of charter schools; and the agency's objectives and capabilities. A process that takes context into account will be more legitimate and workable.

The state charter school statute

The charter law in each state sets the fundamental parameters that must be the foundation for the process. Therefore, the first step requires becoming well acquainted with your state charter law. Some charter laws outline or frame the components of a review process; others leave most of the details up to the chartering entities. This section responds to the four questions asked below.

Questions About the Review Process Your Charter Statute May Address

- Who can issue charters?
- How many charter schools can there be?
- What are the criteria for obtaining a charter?
- What are the details of the review process?

For examples of how several state statutes address these issues, see Appendix E.

Who can issue charters?

Most state laws across the country follow one of five basic "models":

- ***Exclusive statewide chartering entity.*** Only one agency has the power to issue charters in the state. For example, in Massachusetts, the State Board of Education is the sole chartering entity. A variant of this structure exists in North Carolina, where multiple agencies can issue preliminary approvals or rejections, but one statewide agency makes all final decisions.
- ***Exclusive local chartering authority.*** Within a given school district, only the local school board has the power to issue charters. Example: Wyoming.
- ***Local authority, with appeal.*** Applicants must first approach their local school boards, but they can appeal rejections to some higher authority. Examples: California, Colorado.
- ***Local authority, with higher approval.*** Applicants must first approach their local school boards. Rejections cannot be appealed, but approvals must be seconded by a higher authority. Example: Georgia.
- ***Multiple chartering entities.*** Within a given school district, more than one agency has the power to issue charters. Examples: Michigan, where the boards of public universities can issue charters anywhere in the state, and local school boards, intermediate school boards, and the boards of

community colleges can issue charters within their (often overlapping) jurisdictions; Arizona, where local boards of education, the state board of education, and a specially created charter school board can issue charters.

When reading your state statute, ask yourself the following questions:

- Can other agencies issue charters to schools in my jurisdiction?
- Can my decisions be appealed to some higher authority?
- Must my approvals be seconded by some higher authority?
- Can the decisions of other agencies be appealed to me?

How many charter schools can there be?

Some charter laws cap the number of charter schools statewide, the number in any district, the number chartered by a given chartering entity, or the number chartered in a given year. Alternatively, others may require that a certain number or portion of charters be certain kinds of schools: for example, schools serving at-risk children. Under a strict cap a charter becomes a precious commodity. Consequently, review processes under such caps should consider all applications at once, making comparisons and choosing the best ones, rather than considering them on a rolling basis (see page 5). If the law requires that a certain number of charters be set aside for a specific purpose, the request for proposals should make that fact clear and the decision-making process should respond accordingly.

What are the criteria for obtaining a charter?

State statutes may emphasize certain factors or give preferences to particular kinds of applicants. The law may prohibit issuing charters to certain kinds of groups (private schools or for-profit firms). These requirements need to be clearly stated in your request for proposals (see page 23), and the chartering entity is responsible for determining if these requirements are met (see page 11).

What are the details of the review process?

Some charter laws provide specific guidance on the conduct of the review process. For example, many laws explicitly set the timeline that must be used in the review process. North Carolina's law requires that applications be submitted prior to November 1, preliminary approvals be granted or denied by February 1, appeals be filed prior to February 15, and final approvals be issued by March 15. Some statutes place time limits on the chartering entities' responses to applications. Laws in California and Colorado require a local school board to approve or deny an application within 60 days of receiving it, though the deadline can be extended by mutual consent of the board and the applicant.

Your charter statute may also mandate certain steps in the review process. Some laws require public hearings. Others require background checks on individuals applying for charters. As you lay out the steps of your process (see page 5), be sure to include all of the items required by your state law.

It is important to keep in mind that your statute may be silent or contain ambiguous provisions on any of these important matters and that you may find yourself unsure of how to proceed. Ideally, agencies empowered to issue regulations will clarify or define some of these issues, or your state legislature may pass "clean-up legislation" to set things straight. Some matters often remain unclear. In these cases, strive to design the best possible process that meets the requirements of the law, consulting with one or more legal advisors committed to helping you do so.

Finally, it is worth noting that the charter school statute is not the only relevant law chartering entities need to understand to review applications. It is important to become knowledgeable about other state and federal laws that apply to charter schools. These laws can impose constraints on what charter schools can do or they may open up possibilities not apparent in the charter law itself. For example, contracting for educational services may be an available option.

Local charter school politics

As an agency charged with making decisions about charter applications, you may find yourself at the center of a political storm. Expect both opponents and proponents of charter schools to scrutinize and criticize your actions. Opponents may express concerns if they believe a process makes it too easy to obtain a charter; proponents may argue that this same process makes it too difficult to obtain one. People dissatisfied with the process in general may make their complaints public, speaking out to the press or asking state political leaders to legislate procedures that accord with their wishes. Others may work behind the scenes, attempting to sway decisions on particular charter applications. For example, state board members charged with approving and denying charters may be lobbied by constituents to approve or disapprove specific applications.

> *"Everything you do in Chicago is done in a glass house, and Chicago people do not hesitate to throw rocks."*
>
> Greg Richmond,
> Assistant Chief of Staff, Chicago Public Schools

To counter criticism, engage in open and frequent communication with all interested parties as the review process is developed. Make sure that everyone with a vested interest—prospective schools, charter school associations and resource centers, district officials, educators' associations, and so forth—knows your plans. Look for opportunities to solicit and incorporate input. If you are a staff person managing a review process for a board, brief your board members in advance and throughout the process so they can respond appropriately to any communication they receive.

A chartering agency's objectives and capabilities

Unless you work with an organization specifically created to issue charters (such as Arizona's state board for charter schools), your charter program is part of some larger organization: a school district, a state department of education, a university, or some other entity. Before designing a charter school review process, consider how the charter program can fit in with both your agency's objectives and its capabilities.

Objectives. Consider first what the charter school review process must accomplish. Different chartering entities answer this question in different ways. For many, the aim is to choose schools with the potential to have an impact on the broader system of public education, through competition or by example. Others place a premium on creating new options, providing parents and students with something different from what is available. For still others, the goal is to stimulate the creation of new schools addressing particular needs, like finding ways to educate at-risk youth or employ new technologies.

How the selection process is designed will depend in part on stated objectives. For example, if creating options for students is important, criteria in this case should place a premium on how much an applicant's design differs from that of existing schools. If the aim is to stimulate system change through competition, criteria should favor schools with real potential to attract students in large numbers from conventional public schools. The important point is to think about the objectives in advance, and ensure that the design of the review process flows from there.

Capabilities. One of the critical steps in the charter school review process, to be discussed in detail beginning on page 6, is assembling a team of people who can examine charter proposals and help make decisions. This team should include individuals with a range of expertise (for example, educators, including those with knowledge of the needs of special education students, business people, and so forth) Since many chartering entities cannot tap all of this expertise within their own members or staffs, many look outside for help.

Conducting an inventory of your staff's expertise and availability in advance of the process can preempt problems down the road.

While the inventory should focus on the review team's capabilities, think about the capacities of other organizations and individuals in your community, and determine if drawing on this expertise is a possibility.

Even under the best of circumstances, the majority of chartering entities face limits on the resources that can be devoted to reviewing charter school proposals. It is vital to keep these limits in mind, since some elements of an "ideal" review process may have to be reduced in scope or eliminated because of cost and or time constraints. An advance inventory can help craft a process that realistically uses available resources and avoids last minute crises.

The context in which the chartering entity works—the state law, local charter school politics, and the chartering entity's unique needs and capacities—sets some parameters for the charter school review process. But many decisions have to be made as the process is undertaken. The rest of this guide examines the nuts-and-bolts of the process.

CHAPTER 2: Structuring the Process

This chapter outlines two important tasks: setting a timeline and choosing a review team.

Thinking through the steps and setting a timeline

As choices are made and a review process is framed, it is important to keep in mind that the pieces all have to fit together into a timeline. A state statute may provide specific or general guidance related to a timeline. But within statutory constraints a chartering entity may have some flexibility. For example, the Massachusetts charter law requires all applications to be submitted by February 15, but Massachusetts officials have instituted a preliminary application deadline of November.

While no one is required to submit an application by November, those who do receive feedback from the charter school office in time to revise and resubmit for the February 15 deadline (see page 34 for details). In Michigan, the law allows applicants to submit proposals at any time during the year, but officials at some chartering entities have asked applicants to meet an annual deadline to ensure adequate review. Use whatever flexibility the law allows to design a timeline that makes sense to both the reviewers and the potential charter schools.

Q&A:

Should you use a rolling or scheduled process? A rolling process spreads out the review process over the entire year, lessening the need for concentrated periods of attention. It allows a chartering entity to adjust the process and criteria continually, based on learning from experience. On the other hand, a scheduled process allows the review of many applications at once in order to compare applications and to concentrate the work in a limited period. A chartering entity that can only grant ten charters per year, for example, may want to review all of a year's applications at once and choose the ten best ones.

OPTIONS:

Rolling vs. Scheduled Process

A rolling process:

- Spreads out the work of a charter school review over time
- Allows continual adjustment of criteria and process to meet needs
- Is more appealing if you have an unlimited number of charters to grant

A scheduled process:

- Concentrates review efforts in a set period
- Allows the comparison of multiple applications at once
- Makes sense especially if there is a limited number of charters to grant

Q&A:

How should you time the process relative to schools' opening? Many statutes require that final approvals be issued by a certain date but leave chartering entities free to wrap up the process earlier if they would like to. A primary consideration in setting this date should be its relation to the date when approved schools hope to open. For example, if schools plan to open in the fall following their approval, a July 1 date for final approvals would clearly leave schools in a difficult position. Some states (like Massachusetts) approve schools in the spring but do not expect them to open until two falls in the future. Others, like North Carolina, approve schools in the spring as well, but expect them to open in the fall. Central Michigan University, by contrast, seeks to approve schools by the end of a calendar year, with the expectation that they will open the following fall.

If you must extend the review timeline well into the spring, be sure to include a mechanism for schools to delay their openings beyond the following fall, if they need to. If you have flexibility, you will want to wrap up the process earlier in the school year to provide as much time as possible for new charters to plan and implement their programs.

Assembling teams and assigning roles

Who should be involved in reviewing charter applications? Across the country, chartering entities have answered this question in many different ways. In thinking about whom to involve, it is useful to distinguish four different roles, each of which this guide will discuss in detail in subsequent chapters.

- Establishing criteria and creating a scoring/ ranking system
- Recruiting and assisting applicants
- Gathering and assimilating information
- Making final decisions

In most chartering entities, the final decision rests with some kind of board: a local board of education, a state board of education, a university board of trustees, or some other body.

Ideally, the same board is also involved in establishing the criteria and, at least on a broad level, devising any scoring or ranking system to be used. The board sets the process in motion by deciding how decisions will be made, then completes the process by making the final decision. Within this frame there is considerable scope for delegation to others. For example, a board may ask someone to draft a set of criteria and a scoring system for their review and comment, to recruit and assist applicants, to gather and assimilate information on them, and to make recommendations to the board on final decisions.

Though many different arrangements are possible, four types of delegation are most common around the country: board committees, staff, contractors, and citizen volunteers. Most chartering entities use some combination of these delegates to carry out their work.

Q&A:

Should you separate assistance and review? Many chartering entities say that in principle, it is important to separate the work of assisting applicants from the work of reviewing applications. Some chartering entities argue that someone who has worked closely with a prospective school through the process of putting together a proposal may not be in a position to make an objective decision about the resulting application. Even if reviewers can stay objective, chartering entities that combine the roles of assister and reviewer often find that rejected groups feel mistreated. "You advised me to make these changes in my application," an applicant might complain, "and then turned around and rejected me anyway." In the politically charged atmosphere that often surrounds charter schools, the provision of assistance by the chartering entity may raise complaints from charter opponents related to favoritism and discrimination. To avoid the appearance that they are partisans for charter schools, some chartering entities find it useful to

contract out the assistance role, or leave it for private charter school friends groups to fulfill.

In practice, separating the review process and provision of technical assistance is very difficult. Most chartering entities do not have enough staff and contractors available to play these different roles, so it is simply not possible to create strict "firewalls" between functions. More fundamentally, the two jobs are hard to divide since those involved in the review process are most familiar with what a successful application requires, and are considered to be the best technical resource.

To some degree, most chartering entities blur the line between review and assistance. At one end of the continuum lies Central Michigan University, where the staff involved in making recommendations to the board work very closely with applicants, walking them through each step in the process. At the other end lies North Carolina, which contracted out criteria setting, information gathering, and recommendation making to a public not-for-profit organization, leaving the staff of the Department of Public Instruction to provide assistance freely. In the middle lies Massachusetts, where staff that will ultimately make recommendations provide applicants with preliminary comments, giving them the chance to improve their proposals before final submission. The Massachusetts staff, however, seeks to confine its comments somewhat narrowly to the requirements of the law and the application process, referring more general questions to an independent charter school resource center which does not participate in the review process.

Differing Perspectives on Assistance and Review

"The staff is actively involved in working very closely with applicants, walking them through each step of the process and offering feedback before recommending authorization."

Mamie Thorns
Senior Associate Director, Charter Schools Office, Central Michigan University

"As a chartering agency, I think my capacity for friendship with charter schools is severely limited, the way our friendships with our bosses will be. But the charter schools desperately need some reliable group that espouses unconditional love for charter schools."

Scott Hamilton
Associate Commissioner of Education, Massachusetts Executive Office of Education

As a chartering entity, if you decide your organization (or your part of the organization) cannot provide much assistance to applicants, you may still want to think about ways to make sure that assistance is available to them (see page 26 for a discussion of some ways to do so).

OPTIONS: Managing assistance and review

Undivided roles: The same people advise applicants and review applications (example: Central Michigan University).

Advantages: Reviewers are in the best position to provide advice and develop a relationship with the applicant.

Drawbacks: Creates potential conflict of interest and may lead rejected applicants to feel ill-advised or unassisted groups to claim preferential treatment.

Strictly divided roles: One team or individual advises applicants while another reviews applications (example: North Carolina).

Advantages: Eliminates potential conflict of interest.

Drawbacks: May lead to lower-quality applications by denying applicants access to useful information; may require more staff/consultants and funds than you can commit to the review process.

Limited assistance: Reviewers provide limited assistance to applicants, focused on technical requirements of the law and the application process. A private "friends group" offers applicants more substantive assistance (example: Massachusetts).

Advantages: Reviewers are in a good position to provide advice, especially on legal/technical issues (which may breed fewer conflicts).

Drawbacks: Shares drawbacks of the other two approaches, but to a more limited extent.

Q&A:

What kinds of people should be included on review and assistance teams? The decision to grant a charter involves a complex set of factors. Though the emphasis may vary with state laws and criteria, be prepared to judge the quality of the proposed educational plan, the school's viability as a "business," the capacity of the applicant team to implement its design, and the ability of the school to live up to the many obligations it will assume as a public charter school. As decisions are made about what combination of board committees, staff members, contractors, and citizen volunteers to use, keep in mind the full range of perspectives needed.

Where necessary, consult individuals who can provide legal advice, including someone in a position to interpret the charter statute authoritatively. Seek out legal advisors committed to helping design the best possible process within the law.

Examples of People to Consider for Review and Assistance Teams:

- Parents
- Teachers
- Leaders of successful charter schools
- Principals of public and private schools
- Officials with expertise in key areas of school regulation, like special education
- Experts in different types of educational approaches
- Business people
- Facilities experts
- Lenders including nonprofit community development financial institutions
- Community leaders
- Representatives of education reform organizations
- Staff of foundations involved in education
- University professors/researchers

People who have put together these teams offer the following advice:

- ***Involve specialists:*** Consider bringing in highly specialized experts not as part of your actual review team, but to provide specific advice. For example, one state department is considering sending out charter applications that follow particular educational philosophies to experts in those approaches. Rather than evaluating the whole plans, the experts would report back on whether the applicants appeared to grasp the fundamentals of the approaches in question.
- ***Use lenders:*** Lenders often make good participants, especially lenders with expertise lending to nonprofits or nontraditional borrowers. Lenders have direct experience evaluating business plans and making judgments about the quality of proposals. In Chicago, charter officials contracted with the Illinois Facilities Fund, which provides financing and business assistance to nonprofit companies, to review business plans and management capacity. In North Carolina, a representative of the statewide development lender, the Center for Community Self-Help, served as the "business plan analyst" on the State Board's review panel.
- ***Include existing charter school operators:*** Think about including leaders (both staff and active board members) of existing charter schools on your review panels, as Arizona's State Board of Education does. People that have been through the whole process bring an important perspective to the table.
- ***Involve federal program experts:*** To help assess (and improve) applicants' understanding of public school funding programs, legal obligations, and applicable regulations (like special education), consider involving staff with relevant expertise from your state department or district administration.
- ***Build a diverse team:*** In addition to making sure you have a range of expertise, pay attention to other issues of diversity and create a team that reflects your community demographically and also brings a variety of educational perspectives to the table.
- ***Consider the time commitment required:*** How much time do you think reviewers will need to

spend on the process? Is this time commitment realistic for volunteers of the caliber you would like, or do you need to pay honoraria?

"We had three charter school operators. . . We had accounting and school finance people. . . We had a culturally diverse group. . . We had representation from low-income areas. . . We had curriculum specialists. . . We had a specialist that worked in all the federal programs. . . We had a parent. . . So we really covered the spectrum."

Nancy Helm, Former Director of Charter Schools for Arizona State Board of Education

CHAPTER 3: Establishing Criteria and a Decision-Making Process

The criteria you set for charter applicants should guide the development of the request-for-proposals (RFP), the conduct of interviews, and decision making. Spend some time up front carefully thinking through the criteria that will be used throughout the process. State charter school statutes probably provide considerable guidance on this point, ruling out certain kinds of applicants altogether, requiring you to give preference to other types of prospective schools, or specifying certain factors that must be considered in the review. However, charter laws generally do not set forth criteria that are detailed enough to serve as the basis for a decision-making process. The statute's general guidance must be turned into specific criteria.

Q&A: *How detailed and prescriptive should criteria be?*

Applicants should know and have equitable access to the review criteria in advance of submitting applications. The criteria and their availability will exert considerable influence over the applications you receive. Prospective schools will decide whether to apply, in part, on the basis of the criteria and those that choose to apply will shape their applications to meet the standards set forth. The more detailed and prescriptive the criteria are, the more applications will be channeled to meet them.

Under certain circumstances, and under some state laws, applicants can be required to define their school objectives very narrowly. This kind of channeling may undermine a central element in the charter idea, which is to encourage a wide variety of proposals for school design to come forward, and to give citizens the opportunity to think "out of the box" about schooling. Layering on detailed criteria is essentially recreating a box into which all charter schools must fit. Guidelines that seem non-controversial and harmless in isolation may add up to a fairly prescriptive set of near requirements. This may result in missing out on the opportunity to see some very creative and promising proposals.

Categories of criteria necessary for reviewing applications

Educational plan.

A charter school's educational plan includes a mission, a set of goals, and a plan for realizing them. First and foremost is the mission for the proposed school. Ideally, everything a school proposes to do—from its goals to its curriculum to its staffing to its business plan—flows from this overarching sense of purpose. Experienced charter school reviewers believe that definable alignment between mission and plans sets high-quality charter applications apart.

Major Review Criteria to Develop

- **Educational plan (including mission)**
- **Business plan**
- **Governance and organization**
- **Legal compliance**
- **Quality of the applicant team**

From: Marc Dean Millot, Guidebook for Chartering Agencies, U.S. Department of Education, 1997.

"Without the strong mission, goals, and objectives, it's like starting the building on the second floor. You need to have a basic foundation for what you're trying to do."

Eric Premack, Director, Charter Schools Project, Institute for Education Reform, California State University-Sacramento

The school's mission finds its first manifestation in the school's goals. Where the mission sets out what the school hopes to achieve in broad terms, goals and objectives transform the school's expectations into more specific standards. Clear, ambitious, and achievable goals are especially important for charter schools, which will be held accountable for achieving them.

Depending on your charter law, charter schools may also be accountable for achieving goals or meeting curriculum and testing standards set by the state for all public schools. If so, the chartering entity will need to evaluate a charter applicant's proposed program in light of these goals, even if they are not exactly the same as the proposed school's own goals. The reviewers will have to be able to determine if the educational plan will both help students achieve the school's internal goals and meet mandated state standards.

The charter school applicant must set forth a feasible plan for realizing the proposed mission and goals. Key elements of the plan include:

- The school's curriculum
- Instructional methods
- Plans for staffing the school
- The calendar organizing the school day and school year
- Methods of assessment of baseline performance and progress toward goals

The Best Charter School Missions Are:

Clear: The mission clearly sets out the type of students the school will serve, the expectations it will have for student learning, and the approach the school will follow to meet those expectations.
Compelling: The applicant proposes to address a real,unmet need of an identifiable group of students. The general approach proposed seems likely, based on research and experience, to make a difference for the target population.
Understood and shared: The applicant is not just repeating educational jargon. All members of the founding team share an understanding of what they are proposing to do and why.
Aligned: All elements of the charter application flow out of the school's proposed mission. Everything from the school's budget to the staff it plans to hire to the way it will structure the school day makes sense in the context of the mission.

The Best Charter School Goals Are:

Clear: Clear goals help everyone involved in the school, from staff to parents and students, understand what needs to be done to fulfill the school's expectations and meet the stated need. Clear goals also make it possible for the school's chartering entity to determine whether the school has met the terms of its charter.
Measurable: Progress toward goals should be measurable either through quantitative data or through credible qualitative review. Goals should be explicitly defined and be closely related to credible baseline data the school will collect.
Challenging: Goals should state how teachers and students will improve relative to a baseline and how they will perform relative to other schools with comparable students.
Realistic: While challenging, goals should also be attainable.

Of central importance is how all of the elements of the plan fit together. Do research and experience suggest that the proposed curriculum and instructional approach make sense for the target student population? Does the applicant know what it will take to attract teachers who support the school's mission and have the capabilities to carry it out? Do the plans include comprehensive, long-term professional development for staff to help them meet the demands posed by the educational plan? Do the proposed assessment tools align with the proposed curriculum, and will they adequately measure students' progress?

An applicant may paint a clear and compelling picture of what the school will look like once open. But a judgment will also need to be made about whether the charter school team has a clear plan of how to reach that point. Does the applicant understand the details of implementation related to the model proposed for the school? What are the critical steps: research to be assessed, experts to be consulted, staff to be hired, materials to be located, and other details to be resolved? Does the team have a realistic and attainable plan for executing those steps in time to open the school? The reviewers should consider requiring petitioners to provide a detailed timeline that lays out all of the steps, that can then be evaluated for completeness and feasibility.

Q&A: *Should "innovativeness" be a criterion?* Many charter school statutes require charter schools to be "innovative"; others are silent on this issue. If your legislation says nothing about innovation, a decision is needed about whether (and how) to place a premium on path-breaking ideas. Even if a law requires that charter schools be innovative, defining innovation can be tricky. The narrowest definition of "innovative" would require schools to be truly novel, to go where no school has gone before. Many chartering entities, by contrast, pay more attention to whether the school meets a defined need. For example, an applicant may propose to employ a well-known curricular model that is not currently in use in the district.

Though not "path-breaking," this curriculum might offer a much needed alternative. Or a proposed school may promise to provide more slots in a type of program that exists and is successful in the district, but is currently oversubscribed. Schools might also be innovative in some ways but traditional in others. For example, an applicant might propose to offer a fairly standard curriculum, but to organize teachers and students for instruction in a unique and effective manner. If this school has the potential to exert pressure for improvement on existing schools by attracting large numbers of students, you may want to approve it. If "innovative" is included in your list of criteria, then it is worthwhile to think in advance about what this means in practice.

Q&A: *How should you handle incomplete education plans?* Most chartering entities will say that assessing the quality of applicants' education plans is the most difficult part of the charter school review process. One reason for the difficulty is that most applicants will not come before a review panel with a fully developed educational program. The incompleteness can stem in part from the timeframe under which applicants operate; because they have limited time, their plans will usually be works-in-progress.

Incompleteness, however, may also reflect a "philosophy" of school design. Applicants may believe that involving actual teachers or parents in the process of shaping curriculum and instruction is a vital element of effective schooling. Since most prospective schools will not have teaching staffs and parents in place when they apply, this specific level of decision making will have to wait until after the charter is received. Applicants may also be planning to hire outside consultants to help turn their general vision into a concrete instruction plan. This uncertainty may present you, as the charter school reviewer, with a dilemma. In such cases, you will need to evaluate the group's ability to facilitate the school design process down the road:

- Do applicants present a clear picture of their proposed schools that can frame discussions and

planning about curriculum and instruction?
- Do the applicants understand the process they will need to go through to reach an agreed-upon plan?
- If applicants are planning to hire consultants, can they explain the reasons for the selection, how they will make the choice, the tasks they will set for the consultants to perform, and what roles consultants, applicants, and others will play in the process?

You can begin to answer these questions by examining the timeline prepared by the applicant that lays out the critical steps of the design process.

Business plan.

This section addresses two "business" issues: the school's facility and its budget.

Unless the proposed school will convert an existing institution or not occupy a physical space (e.g. a home-school network), finding and preparing a suitable facility will be one of the most critical and challenging steps in its start-up process. Even a conversion school may need to expand or change its physical space to accommodate new students or new practices. Applicants will come to you in one of two situations: with and without facilities. For those with facilities, chartering entities can decide to evaluate the actual space applicants propose to use by conducting a site visit (see page 30). If site visits are not feasible, the chartering entity can still ask for answers to these questions:

- Is the facility large enough?
- Does the space identified match the proposed school and instructional design?
- Will the facility meet code requirements for school buildings, the Americans with Disabilities Act, and other legal constraints?
- Do facility costs fit within the budget?

Ask applicants to describe how the proposed facility supports meeting their mission and goals, and ask for plans, contracts, and other documents that help answer these questions.

For applicants without facilities, questions will have to be posed differently. Inquire into the efforts being made to find space, seeking to learn the status of any leads. Often, a decision will have to be made on whether to grant a charter to a group that has no specific facility in mind. Reframe each question above to ascertain whether applicants have a firm grasp on the issues they will need to address as they seek out, and ultimately inhabit, a facility:

- Does the applicant have a realistic estimate of the amount of needed space?
- Can the applicant present architectural plans, or at least a rough sketch, of planned space?
- Does the applicant understand the types of space the school's programs will require?
- Is there an awareness of the building-related regulations the school will have to meet?
- Does the school budget reflect a reasonable understanding of facilities' costs, including market price of acquiring, leasing, upfitting, and/or occupying space?

Ultimately, chartering entities generally do not grant final approval to charter schools until they have a suitable and ready facility. Granting conditional approval to an otherwise promising applicant can help the school negotiate a contract with property owners and providers of financing and support their advancement to the final stage of approval.

Another critical part of the business plan is the proposed budget. The applicant's budget is an opportunity for reviewers to learn how well the applicant has thought through and organized the business side of running the school and related that to the educational and programmatic side as well.

One component of the budget is costs and the overarching question to ask is: Do the projected costs appear realistic in light of the proposed education program? Examine what the school proposes to do, consider the cost implications, and make sure the school's budget takes them into account. A well-structured RFP can prompt groups to consider some potentially problematic costs for

schools as well as other issues as they prepare their applications.

Potentially Problematic Costs for Charter Schools

Start-up: Does the budget account for all start-up costs the school will incur?
Class size: Does the budget reflect adequate dollars to accommodate staffing and facility funds for the proposed student-teacher ratio?
Salaries: Are proposed salaries sufficient to attract enough capable personnel?
High-need students: Does the budget account for specialized staff, equipment or services that the school will need to provide for the range of educational needs of students with disabilities and those with limited English proficiency?
Transportation: Does the budget include costs for transportation that reflect the requirements of the law and are based on reasonable, well-researched assumptions?
Calendar issues: Does the budget reflect added costs (in terms of salaries and facilities) that may result from longer school days or years?
Facility: Are the ongoing costs of maintaining and occupying the facility realistically estimated? Is there a need to make the facility accessible to individuals with disabilities?
Administration: Most charter applicants have education at the forefront of their minds; they may forget to include the more administrative expenditures of running a school. Budgets should cover not just teacher pay, supplies, and equipment, but costs like accounting services, benefits, insurance, food service, custodial services, and the like. Of course, charter schools might propose creative, cost-saving ways to address these issues, but they need to account for them.
Cash flow: In addition to understanding the total amount they will spend, schools should have carefully considered when they will need the money relative to when they receive it.

Often, applicants will propose to contract out activities related to running the school. If the legislation allows this, the chartering entity's role is to ascertain whether the school has proposed realistic costs. Sometimes an applicant will propose to contract out a major part, or even all, of the management of the school. In these cases, the reviewers should scrutinize the proposed arrangement since it will be so integral to the school's operation. If the applicant has already entered into a legal contract, ask to review it. If not, inquire about precisely what the contract will cover, what the school will pay the contractor, and how the school's board of trustees will ultimately retain accountability for the school's performance. Ask to review the contract before authorizing the school to begin operations.

The other part of the budget is the school's revenues. There are three areas of concern here. First, does the applicant estimate accurately the per-pupil revenues the school will receive from the federal, state and local entities? Each state has a unique system for funding charter schools, often combining local, state, and federal funds, and the reviewer should become well-versed in the state's formulas and check assumptions carefully. Second, what plans does the applicant have to make up any expected shortfalls in revenue? Within a few years, a charter school should be able to manage on the per-pupil funds it is provided. However, in the short term they may need to raise additional funds, primarily to cover one-time start-up costs. Charter applicants should be able to explain their plans for covering these additional expenses, and make the case that the fundraising they plan to do is realistic in light of their track record.

A third critical variable is how many students the school manages to attract. Can the applicant demonstrate a demand among the target population for the proposed educational program? Do the student enrollment projections appear realistic? What specific plans does the team have to market the school to prospective parents and students? Do these plans seem likely to generate the projected

enrollment, and are they feasible in light of their costs?

A business plan will inevitably be full of projections and plans rather than clear decisions. Chartering entities might find it useful to ask applicants about their contingency plans in the event that their best guesses turn out to be wrong. What would the budget look like if enrollment ended up being just half of the projected amount? What would happen if the number of students with disabilities was twice as big as expected, and many of these students had costly educational needs? What if the renovations of the facility are not complete by September 1 as planned? In addition to informing the decision about the viability of the proposed school, asking such questions will provide a valuable educational experience for applicants, helping them make more complete plans.

Key Business Issues to Examine

Facility: Does the applicant have a suitable, legal, and affordable facility? If not, does the applicant demonstrate an understanding of the facilities issues it will have to address, including access for students with disabilities if appropriate?

Costs: Does the budget contain cost estimates (both start-up and ongoing) that are realistic in light of the proposed school design?

Revenues: Does the budget contain revenue estimates that accord with the state's charter school financing system? Does the applicant have realistic plans for raising any additional funds the school will require, such as start-up costs?

Enrollment: Does the applicant's plan for recruiting students appear likely to yield the school's projected enrollment? the expected diversity of students?

Contingency: What will happen if major assumptions of the school's business plan (such as student enrollment numbers) prove faulty?

Governance and organization.

Does the applicant present a reasonable plan for ensuring that the many roles integral to managing a school are carried out well? It is unlikely that an application will arrive on your desk with all roles and responsibilities clearly defined and allocated among board, staff, parents, and others. Instead, structures of governance need to evolve over time as organizations confront and dispose of problems. Still, the chartering entity can seek to make two determinations: **1)** Have the applicants thought through governance issues so that they can begin this process on sound footing? **2)** Are the proposed structures of governance and organization aligned with the mission and education plan of the school?

Here are two critical issues related to governance and organization:

The governing board. Most charter laws require charter schools to have some sort of governing board. In official legal documents (such as by-laws) applicants should be able to identify:

- How many members will be on the board.
- How members will be selected.
- If seats will be reserved for certain stakeholders, and who these stakeholder groups are.
- What decision-making responsibilities will be given to the board.
- What protocol will be used by the board to make decisions.
- How long members will serve.
- How board members may be removed.

Allocation of responsibility. Prospective schools should have devoted some time to thinking through how the school will be managed on a day-to-day basis, addressing in their application or interview questions such as:

- Will there be a principal with full-time administrative responsibility? A lead teacher who divides her time between teaching and managing? A team of teachers with management responsibility?
- Who will make the most common decisions that come up in the course of running a school: who will hire, evaluate and fire staff, set pay, establish curriculum, set the school calendar?

- Who authorizes large expenditures (and what is "large")?
- What other financial controls will be in place?
- What decisions will the board, versus the administrator and/or staff, make?
- What decisions will be made for the school as a whole, versus teacher by teacher?
- What role will parents play? How will their input be incorporated into decision making?
- If management will be contracted out, what roles will the board play?

Again, it is unrealistic to expect applicants to have worked out detailed policies in all of these areas by the time they apply. More to the point is whether they have thought enough about these questions and considered options and information from existing schools to begin their work productively. Governance arrangements should at a minimum have been reviewed for soundness by attorneys and should align with the central elements of the mission, educational program, and business plan. For example, if parent involvement in school decision making is front-and-

Legal Compliance Issues for Charter Schools

Admissions: Charter schools are prohibited from discriminating on the basis of race, color, national origin, sex, disability, and age. Most laws prohibit selection on the basis of academic or athletic ability. If over-subscribed, schools are usually required to select students by lottery. State law, court orders, and existing state desegregation plans may require charter schools to meet standards for diversity.

Tuition: Charter laws prevent schools from charging tuition. Some laws allow "reasonable fees"; and chartering entities may have to determine the definition of both "reasonable" and "fee," taking a close look at donation requirements and required membership fees for an affiliated nonprofit organization.

Religious affiliation: All charter laws require that charter schools be nonsectarian.

Special populations: Federal laws require that schools take specific steps to ensure non-discrimination and appropriate opportunities for individuals from special populations to participate in their programs. There are no provisions in these federal laws permitting charter schools to obtain waivers of applicable federal requirements. For example, students with limited English proficiency who are enrolled in a charter school must receive appropriate educational services to enable them to participate in the charter school program. Under federal law, eligible students with disabilities enrolled in charter schools must be provided with appropriate special education and related services based on their individualized needs at no cost to the parents to ensure their participation in the charter school program. The federal laws that govern obligations of charter schools to special populations are listed in Appendix F.

Health and safety: Charter schools' facilities are required to meet code and other requirements and may also be subject to state and local strictures regarding food safety, the administration of drugs to students in schools, reporting of child abuse, and other health issues.

Discipline: Charter schools may be subject to laws and regulations regarding the discipline, suspension, and expulsion of students. Federal courts have ruled that no public school may expel students without due process.

Transportation: If charter schools transport their students to and from school or while at school, they may be subject to state law regarding vehicles, drivers, and the like.

Teacher certification and employment law: Charter laws may require some or all of a school's staff to obtain state credentials. Even if charter schools are exempt from school personnel law and their employees are not public, they are still subject to general state and federal employment laws.

Reporting: Charter schools generally abide by state reporting requirements as well as some charter-specific reporting.

Public disclosure: As holders of public trust, charter schools are generally required to abide by applicable open meetings laws and submit to program and financial audits.

center in an applicant's mission statement, plans for governance and organization should address how parents will be engaged. If the school's education plan is to be crafted by teachers, the school's decision making structure should be designed accordingly.

Legal compliance.

Most charter school laws require charter schools to follow at least some public school law. The question of compliance with these laws is one that arises after a school receives its charter, not before. But chartering entities are well advised to examine in advance applicants' commitments to abide by relevant law. Stopping an illegal school before it opens may be easier than shutting it down after it has a staff and student body in place. Since the vast majority of charter applicants have no intention of breaking the law, reviewing legal compliance in advance can help to educate the applicants about the legal responsibilities they will assume as public schools. Since schools' actual compliance is in the future, the criteria you set regarding legal compliance must revolve around awareness, understanding, and intent to comply with applicable laws and regulations.

Q&A: *What about diversity in enrollment?*

Charter schools are required by law not to discriminate on the basis of race, color, national origin, sex, disability, and age. Some state laws may require or encourage charter schools to go the next step of having diverse student bodies. Even if the law does not so require, your agency might wish to encourage diverse schools as a matter of policy. When examining the school's plans for student recruitment, consider not just the total number of students the school can attract but the types of student as well. One of two issues may arise in this regard. First, chartering entities may encounter applicant groups that profess a commitment to diversity, but whose plans look unlikely to attract a wide range of students (e.g., because of the marketing plan, the type of program offered, or the location of the school). Second, you may encounter groups that appear uninterested in diversity. There is no clear guidance to provide on these issues: you will have to make decisions based on applicable state and federal law and policies. In cases of uncertainty, conditional approvals (page 34) can help mitigate concerns you have about diversity.

Quality of the applicant team.

Experienced chartering entities are unanimous in their contention that the review process should evaluate not just plans, but people as well. You want to have confidence that the people standing before you have the capabilities needed to transform their ideas from blueprint into reality. Or, if they lack key capabilities, they understand their weakness and have a realistic plan for attracting those who have them. Complicating matters further, the capabilities required of leadership will change over time. What is needed to navigate the start-up process differs from what is needed to manage a school's ongoing operations.

The capabilities required of leadership in charter schools will change over time. What is needed to navigate the start-up process differs from what is needed to manage a school's ongoing operations.

Applicants should be able to demonstrate that they are worthy of public trust, that in their lives they have exhibited behavior that justifies entrusting them now not just with public funds, but with the educational lives of children. This guide has more to say about probing the backgrounds of charter applicants on page 29.

"I'm awfully interested in what's in the application. I think I'm equally or more interested in who is behind the application and what qualities and abilities they have."

Scott Hamilton,
Associate Commissioner of Education,
Massachusetts Executive Office of Education

Turning all of these general ideas about criteria into clear statements of your priorities is a challenge in itself. See Appendix E for samples of how some chartering entities have proceeded.

Devising a decision-making process

Based on discussions of the criteria that charter school applicants must meet, a chartering entity will probably develop a long list of factors that reviewers will need to take into account when making their decisions. The next step transforms that list into a practical guide and process for decision making, that is, a system that will structure how reviewers assess applications and, ultimately, come to a decision. Critical to this process is building understanding among the review team members about the criteria and the process. Investing time in training and team building for reviewers can pay handsome dividends later.

Here is one word of caution from experienced chartering entities: While it is possible to develop elaborate schemes for rating charter school applications, the charter school review process inherently involves judgments. If you are managing a charter review process for the first time, you do not know what kinds of applications will be submitted, how strong or comprehensive applications are going to be in different areas, or how reviewers will apply different factors and criteria when they review real applications. Though it is important to design a process that is fair to all applicants, it is also important to give review teams flexibility to discuss roadblocks and make adjustments. A rigid process that allows no adjustments in mid-course will not serve your agency well even if it has an air of objectivity about it.

This section presents a series of issues you may want to consider as you devise your decision-making process, including: what type of rating process to use; how to weigh various factors in reaching a final decision; and whether all team members should review each application in its entirety.

Q&A: ***Should you use a quantitative scoring system to rate applications?*** Many chartering entities find it useful to have reviewers rate applications quantitatively on a number of dimensions. In conjunction with some sort of weighting scheme (see below), these ratings form the basis for an overall score for each application. Scores can be compared to a threshold or to one another as a basis for decisions.

Advantages of a numerical system include:

- It disciplines reviewers to consider all the factors you have identified as important.
- It makes it less likely that one positive or negative aspect of an application (or its presentation) will "wow" reviewers, blinding them to other deficiencies or good qualities.
- It gives the process at least the appearance of objectivity, which helps make the process legitimate in the eyes of applicants, policy makers and the public. This factor may be especially important when decisions can be appealed.

Among the disadvantages are the following:

- Valid quantitative systems are difficult to design, especially if you are conducting a review for the first time. Ideally, a rating of 4 on dimension #6 would mean the same thing to everyone on the review team. But achieving such consistency requires field testing to validate your instrument and training of reviewers, demanding time and resources you may well not be able to afford.
- Quantitative systems may yield decisions that run against the all-things-considered judgments of reviewers. Such an outcome creates a dilemma in which reviewers must decide either to scrap the rating system at a late hour or issue decisions that do not seem right.

One compromise may be to develop a numerical system to guide reviewers' analysis of applications, but not to make final decisions purely based on rigid numerical requirements. Under such an approach, numerical scores would provide a useful summary of reviewers' impressions. But reviewers

would have the opportunity, through discussions among themselves, to resurrect applications that received low marks or to reject applications that scored highly. This approach would introduce some discipline to the process, making it more difficult for reviewers to dismiss or applaud applications without some examination, while leaving scope for occasional reasoned judgments that run against numerical indications. Approving a low-scoring application or rejecting a high-scoring one would, in effect, require a higher level of justification than simply following the numbers.

For one example of a quantitative scoring process, see Appendix E.

OPTIONS:

Quantitative vs. Qualitative Processes

Quantitative process:
Assign numerical scores to applicants
- Disciplines reviewers to consider all important factors
- Maintains objectivity

Qualitative process:
Reviewers come to overall judgments on applicants
- Less expensive and time consuming to develop
- Less risk of counter-intuitive results

Mixed process:
Use numerical system to guide review, but final decisions are qualitative judgments
- Disciplines reviewers to consider all important factors
- Allows all-things-considered judgments

Many applicants will pass your make-or-break tests, and you will still have to decide among them. No guidebook can tell you how to make these judgments, though experience should help you identify decisions that turn out well.

Q&A: ***How important should the different factors be for the final decision?*** Whether you use a quantitative system or not, you will (explicitly or implicitly) need to weigh many attributes of your applicants in order to arrive at a single "yes" or "no" decision (or, very likely, a "yes, if . . ."). Ask yourself whether certain criteria on your list strike you as absolute, make-or-break issues at the time of application. For example, a review team should reject immediately an application that does not articulate a clear, compelling mission for the school, frame educational objectives or present a balanced budget. These are issues which prompt you to say "no" all by themselves.

The review team must also decide whether other criteria are make-or-break issues, but not at the time of application. For example, you will almost certainly decide that an applicant should have a suitable facility in place before receiving the go-ahead to begin educating students. But at the time of application, incompleteness in a few critical areas like this one is likely even among the strongest candidates. Instead of rejecting applications outright on the basis of these concerns, conditional approvals may be granted (see page 34).

Many applicants will pass the make-or-break tests, and decisions will have to be made among them. If using a quantitative system, list out all of the proposed evaluation measures and divide them into categories such as "very important" and "important." Then assign different numerical weights to factors in each of these categories and return to the applications and assign number values and add up scores to make decisions. If you are not using a quantitative system, you will be left to make qualitative judgments that take into account a range of criteria. This means subjectively deciding whether strengths in some areas make up for weaknesses in others. No guidebook can tell you how to make these judgments, though experience should help you identify and build on decisions that turn out well.

Q&A: *Should everyone on your review team rate every application?* If considering many applications at once and rating them against one another in some way, it would be ideal to have all of the reviewers examine and rate every application. In reality, there may be too many applications or the reviewers' time may be too limited for this to be possible. Each of the reviewers may be asked to examine some, but not all, of the applications. Under these circumstances, most chartering entities identify a small number of "core reviewers" who can indeed look at every application. These core reviewers are the ideal people to assimilate all of the ratings from different reviewers into a final set of recommendations, since they had the chance to vet the entire pool. The Chicago and Massachusetts Boards of Education are two examples of chartering entities that use a core-reviewer process. In North Carolina's first year of charter review, by contrast, the full team reviewed all applications.

CHAPTER 4: Generating Good Proposals

It is possible for chartering entities to simply wait and see what proposals come in, and make decisions later. But if the goal of the selection process is to choose high-quality schools, the best way to start is to make sure high-quality applicants submit proposals.

This chapter addresses three aspects of that task: 1) crafting a request-for-proposals that helps applicants submit good plans; 2) disseminating information widely about the charter school opportunity; and 3) providing assistance to applicants prior to and after application due date.

Writing a request-for-proposals

Some states develop a standard RFP or application packet that all chartering entities must use to solicit applications. In other states, each chartering entity may design its own RFP subject to the requirements of the law. If you are charged with crafting a charter school RFP, first examine the statute; it may specify certain elements that must be included in all charter applications. Beyond the required elements, though, the law may well leave some discretion to ask for additional information that can be helpful in making decisions.

The heart of the RFP is a series of questions each applicant must answer. One set of questions will be basic, factual questions that will be used to identify and classify the applicant. Most charter statutes identify the special factual information required by the law. While every state or chartering entity will adopt a different set of questions based on its own plans and law, it may be helpful to review another state's RFP. Excerpts from Massachusetts's 1997 Charter School Application can be found in Appendix E.

When designing an RFP try to balance the need to ensure that you receive all necessary information with the level of the burden imposed on applicants by the questions asked. The more onerous the application process is, the more difficult it may be for applicants with limited resources to submit quality applications.

Q&A: *How much guidance should the RFP provide about how to answer the questions?* Consider carefully the instructions provided on answering the RFP's questions. If questions and accompanying instructions are vague and open-ended, some applicants may misunderstand and not provide all the information expected. If you

have very specific expectations about the types of responses you want to see, there is a good argument for making them clear and/or providing examples.

> ***"What may be helpful is to write down some of the broad points of what you're looking for to give the applicant some guidance, but also to say: if you've got a better mousetrap, please feel free to ignore our points and explain why your application is compelling."***
>
> **Eric Premack,** Director, Charter Schools Project, **Institute for Education Reform, California State University-Sacramento**

On the other hand, overly detailed and prescriptive instructions pose the risk of stifling applicants' creativity, coaching them into answering questions the way they think you want them answered. Chartering entities differ in how they strike this balance. Many include in the RFP the criteria reviewers will use when reading the application. Including criteria ensures that all applicants have a clear understanding of how they will be judged. Most chartering entities recommend against including "sample answers."

While the primary purpose of the RFP is to help gather information about applicants, it serves two other purposes as well. First, think of the RFP and accompanying material as an educational experience for prospective charter schools. The questions posed should guide applicants through a comprehensive planning process for their school, prompting them to think through the major issues they will have to address if they receive a charter.

Additional Purposes of the RFP

Educational: Guides applicants through a useful planning process for their schools
Legal: Creates complete applications that can serve as the basis for enforceable contracts with approved schools

The educational nature of the RFP can be reinforced by including vital information about the charter program in the application packet. Examples of information you might want to enclose include:

- Your state's charter school statute
- Charter school regulations issued by state government or your school district
- Frequently asked questions and answers about charter schools
- Full text or summaries of other laws and regulations applicable to charter schools
- Copy of the contract or charter agreement approved schools will sign
- Information about the timing and nature of your decision-making process, including when and how applicants can expect to hear from you. A telephone, fax, and e-mail address to call for answers to specific questions.
- Contact information on organizations in your state that exist to help charter schools (resource centers, associations, other "friends groups") and on national organizations and resources for charter schools (see Appendix C).

OPTIONS:

How Much Guidance to Provide for Applicants
More guidance: Maximizes the chance you will get the information you need, but may channel applicants down narrow paths, undermining the charter school idea.
Less guidance: Allows diverse school designs to flourish, but may yield responses that do not adequately answer questions posed.

The charter school application serves one other vital purpose: if a school is approved, the application typically becomes the core of its contract with the chartering entity. The application, with any modifications that are required by the chartering entity (see pages 33 and 34), becomes the central statement of what the school promises to do and how well it pledges to perform. The more vague the application is, the more difficult it will be for a chartering entity or others to assess whether the school has fulfilled its obligations. Consider also that this application turned contract will set the terms by which the charter school will be evaluated for renewal.

Disseminating information

Chartering entities around the country use a wide variety of mechanisms to get the word out about their charter school program. For example, they

- Hold public meetings to provide information about applying
- Stage press conferences
- Send RFPs to organizations that work with children, universities and colleges, and other groups that might have an interest
- Take out advertisements in various media announcing the availability of the RFP
- Post information about the process, if not the entire RFP, on the Internet
- Make direct contact with individuals and organizations they regard as qualified candidates for charter status
- Answer inquiries that come in about charter schools.

Chartering entities' efforts along these lines range from the minimal (announcing the program and then waiting to see what comes in) to the aggressive (actively seeking out potential applicants and encouraging them to answer the RFP). The more active efforts have the advantage of casting the net more widely, ensuring that people from all walks of life and all geographic areas have an opportunity to participate, not just those "in the know." Since active efforts can also be used to educate potential applicants about what is expected of them, they can also raise the average quality of applications received. If the aim as a chartering entity is not just to treat applicants fairly and follow the law, but to produce a high-quality group of charter schools, it may be best to implement a more active dissemination process.

Assisting applicants prior to the application due date

As discussed on pages 6 and 7, providing assistance to applicants creates some tricky issues for the chartering entity. Nevertheless, charter applicants will need assistance as they put together their charter applications. No matter what is ultimately decided about a chartering agency's role in providing that assistance, it is worthwhile to think in advance about how prospective schools might get the help they need.

Two Kinds of Assistance Charter Applicants Might Need

Design assistance: help choosing or fleshing out their educational, business, and governance plans.
Application assistance: help understanding what the law requires and fulfilling the technical requirements of the application process.

Charter applicants may need two broad types of help as they prepare their charter applications. First, they may need help with the actual process of conceiving and designing their schools. For example, they may have a clear mission in mind but need assistance locating congruent curricular models. Or they may have a well-devised educational plan but need help with budgeting. Second, applicants may need help understanding technical and legal issues involved in completing the application or, if chartered, in managing their schools. For example, they may need help estimating the per-pupil funds they would receive in order to prepare their budgets. Or in designing their admissions processes they may need assistance understanding what the law requires by way of a lottery.

A chartering entity is in a good position to provide the second category of assistance, since it is versed in the law governing charter schools and in other applicable requirements. The chartering entity may have designed the RFP and thus be very familiar with what it asks. Not surprisingly, all the chartering entities consulted in writing this guide reported providing this kind of assistance to applicants regularly.

Providing design assistance is more problematic, for two reasons. First, it can be very time consuming since it is less focused on well-defined, often factual questions, and more on issues and questions that are much broader and open-ended. Second, your involvement in design assistance calls into question your ability to make fair decisions when it comes time to review charter applications.

If a chartering entity decides that conflicts-of-interest prevent the review team from providing design assistance, it is important to identify alternative resources available to the applicant. If the aim is to have high-quality charter schools form, it serves everyone's interests to see to it the applicants receive the help they need, even if it is not from those involved in the review.

Whatever assistance role chartering entities take on, managing the time devoted to that task will be of critical importance. The most important tool is to design vehicles for mass assistance. Though some applicants will have unique issues, the same questions will recur again and again from different applicants, especially questions about technical and legal requirements. The more questions that can be answered through sessions attended by many charter applicants or through helpful written materials, the fewer one-on-one discussions will be needed. Go through the RFP and charter law carefully and try to predict what the most problematic areas will be; then devise a strategy for answering questions en masse. If any of these answers can be included in the RFP packet, all the better.

Assisting applicants after the application due date

Some chartering entities provide further assistance to applicants after their applications are submitted. Reviewers may, for example, send applicants back to the drawing board on certain weak areas, giving them the chance to revise before a final decision is reached. Whether and how to provide this kind of assistance is addressed in Chapter 6.

OPTIONS: Providing Design Assistance Outside of the Review Team

Foster friends-of-charter-schools activity: In many states, outside groups exist as associations of charter schools or resource centers organized to help charter schools. These "friends" of charter schools can provide much of the assistance charter applicants need. As a chartering entity, you can help foster this sort of activity and then refer applicants in need of design assistance to the right organization. (See Appendix C for a list of friends groups in charter states).

Develop a resource rolodex: In addition to groups dedicated to helping charter schools, there are probably many other organizations in your state and beyond that provide valuable help to school designers: universities and colleges, nonprofit education groups, for-profit education management organizations, individual consultants, and others. At the very least, a chartering entity could maintain lists of these kinds of resources and make them available to interested charter schools.

Create a firewall: If your organization is large enough, you might be able to separate the assistance and review functions. Alternately, you might be able to contract out one of the functions, retaining the second function in-house. Whether this is organizationally feasible and whether it would sufficiently eliminate the appearance of conflict depends on your own agency's circumstances.

CHAPTER 5: Gathering Information

Five Ways Chartering Entities Gather Additional Information

- Interviews
- Public hearings
- Background checks
- Site visits
- Reviewing unsolicited information

A well-designed RFP will give you much of the information you will need to arrive at a decision. But either because your law requires you to or because you believe you need to, you may want to gather additional information. This section discusses five ways you might obtain more data: interviews, public hearings, background checks, site visits, and reviewing unsolicited information. It then addresses two other issues related to information gathering: maintaining a useful database and handling confidentiality issues.

One of the overarching questions about information gathering is how much time to devote to it. Most of the techniques discussed here take considerable amounts of time to carry out, time you may not have to spend. You have to weigh the value of the information you hope to obtain against the time-cost of gathering it. One way to hold down costs is to design a decision making process that proceeds in phases. For example, you might conduct a paper review of all applications, conduct interviews only with applicants that meet a certain standard, and then carry out site visits and background checks for a smaller group.

Think of ways to streamline the information-gathering process, both for your own sake and for the good of applicants.

It is also important to consider the time demands and other burdens you will place on the applicants as you devise your information-gathering procedures. As noted above in the context of the RFP, a highly burdensome process can skew your applicant pool toward groups that have the resources to hire professional help and away from less affluent groups of parents, teachers, and community members. Think of ways to streamline the information-gathering process, both for your own sake and for the good of applicants.

Interviews

Though interviews are time consuming for the review team, most chartering entities find them to be an invaluable source of supplemental information. If you have the time, the resources, and the legal authority, the unanimous advice of chartering entities consulted for this guide is to conduct interviews.

Q&A: *Who should conduct the interviews?* Ideally, all of the individuals involved in the review of a particular application should participate in the interview.

Interviews tend to reveal important information that does not come through in written materials, so it is helpful for all reviewers to participate. Further, you are likely to have questions about a whole range of issues in which different members of your review team have expertise. If time or scheduling prevents full participation, another option is to make tapes and transcripts available to those who cannot be present.

Q&A: *Who should represent the applicant?* At a minimum, applicants should bring individuals who have enough general knowledge to answer questions about every aspect of the application. If one person is well versed in the school's educational plan and another prepared the business plan, they should both attend. Some charter applicants may want to bring many more people along: the entire organizing group or parents, students, and community members who support the school. You will need to make a judgment about how many representatives to allow. On one hand, you want to create an atmosphere in which you can obtain answers to your questions (including sensitive ones); you may find that a roomful of cheering supporters makes this difficult. On the other hand, you may be interested in hearing from a diversity of voices, not just the core group of organizers. If your process includes public hearings (see below), you may feel more justified in limiting the number of representatives at the interview.

Q&A: *What kinds of questions should you ask?* Some chartering entities give applicants the opportunity to begin the interview with a statement. If you do so, you might let them know in advance so they can prepare. Most chartering entities prepare some questions in advance but leave time for others to arise in the course of the interview. Some of the in-advance questions may be general questions posed to all applicants; others may be unique to a particular application. The box below contains some of the most important functions interview questions can serve. (Also see Appendix E for sample interview questions from North Carolina.)

"When you have an interview process, ask a few pointed questions that drill through the mission and program and see if they understand what the linkages are. If they can't articulate it personally at a powerful level, somebody wrote it for them."

Eric Premack
Director, Charter Schools Project
Institute for Education Reform,
California State University-Sacramento

Useful functions of interview questions

Scratching the surface: When applicants state their missions or educational plans in writing, it may be difficult to tell the depth of their understanding of, and commitment to, the ideas they are putting on paper. Probing interview questions can help you get beyond the written word, which might just repeat available jargon and theory, to the applicant's true beliefs and commitments.

Verification: Interview questions can help verify both strengths and weaknesses. You can inquire more deeply, for example, into impressive items on founders' resumes, seeking to determine whether applicants, in fact, have the capabilities they claim. In areas where the application looks weak, interview questions can help you decide whether there is a true weakness there or whether information was just poorly presented.

Filling gaps: Applicants will not answer all of your RFP's questions to your satisfaction. They will sometimes misunderstand questions, leave out important subpoints, give ambiguous or vague answers, and generally leave you not knowing what to think. Interview questions can help fill in some of these missing pieces so you have a complete picture on which to make a decision.

Q&A: ***Should the interviews be open to the public?*** As a first step in answering this question, you should consult your legal advisors; you may have no choice in the matter as a result of open meeting laws in your state. If you have a choice, you face a host of complex issues. Charter schools are public schools, and one of the central elements of their "publicness" is the fact that their applications are reviewed and approved by a public body. If interviews are held behind closed doors, everyone from the media to rejected applicants to charter school opponents may raise questions about whether the charter program is truly committed to publicness. At the very least, you should tape-record your interviews and make transcripts available to the public as quickly as possible, and final decisions about whether to grant charters should be made in public sessions of the chartering entity.

At the same time, some chartering entities hold closed interviews. Particularly if your application is a competitive process, applicants who "go first" may find it unfair if subsequent applicants have the opportunity to sit through their interviews, taking notes about questions asked and weaknesses in their applications. Opening the doors also lets in opponents of particular applicants, whose presence might create an intimidating environment for reviewers and applicants alike. More generally, a roomful of media, supporters, and opponents might just create a circuslike atmosphere that is not conducive to careful probing for information.

Public hearings

Your state probably has well-defined procedures for holding public hearings, including requirements about the timing of the hearings, the issuance of notice of the hearings, the conduct of the proceedings, and the publication of results. Beyond these legal strictures, you may regard a public hearing as a way to obtain information that you will not get through the written application or other means. Public hearings are most well suited for gauging "community support" for a school, which some charter laws set as a criterion. Supporters and opponents alike can take the opportunity to let you know their views of the proposed school. (One challenge on this issue is deciding whether and how to weigh participation in a public hearing against other indicators of community support.) If you are not conducting interviews, public hearings might also provide you with an occasion to ask some of the questions you might pose in an interview (see above).

Background checks

Since charter operators will be responsible for the care of children and for the stewardship of public funds and authority, many chartering entities inquire into operators' backgrounds. Of course, your RFP will ask applicants to submit resumes or other information about key members of their team, and your interviews will probe for evidence of competence and trustworthiness. But should you go beyond these mechanisms, conducting more systematic checks on members of applicant teams? To begin with, your charter law, public school law, or more general law may require you (or forbid you) to do so. If you have a choice, see the box on the next page for a list some considerations to take into account. Be sure to consult your legal advisors before proceeding.

If you decide to go ahead with certain checks, another matter to consider is what you will do with the results of your inquiries. Will you disqualify an applicant because one member of the team has a poor credit history? How poor does a credit history have to be to disqualify the applicant? Will you disqualify an applicant if one member has a criminal history, or just require that member to leave the team? Essentially, these questions take you back to the criteria-setting phase of designing the review process. If you are going to conduct checks, it is important to think through in advance the criteria you will apply to the results of that information gathering.

If you decide to go ahead with certain checks, another matter to consider is what you will do with the results of your inquiries.

Issues Relating to Background Checks

Whom to check: Will you check everyone on the board of directors? everyone proposed to work at the school? If new members are added to the board or staff subsequent to the submission of the application, will they be checked?

What to check: There are many different types of checks you can conduct:
- Various criminal history checks
- Credit checks
- Checks of references submitted by applicants
- Checks of references not submitted by applicants

Time: All of these checks take time to conduct. Before committing yourself to checking, make sure there is enough time in the process to do so. Arizona's Board of Education requires applicants to submit a letter of intent to apply in advance of the application due date so that staff can get started on criminal history checks.

Costs: All of these checks cost money, either in direct fees or in the staff time that must be expended. It may be possible to pass the costs on to applicants, but if the costs mount up, doing so might skew your applicant pool toward those with financial resources.

Confidentiality: If you conduct background checks, will the data you gather become part of the applicant's "public file," open to anyone that wants to take a look? See page 31 for more on confidentiality issues.

Site visits

For applicants that have already identified a facility, you may choose to visit the site as part of your review. The advantage of a site visit is that it allows you to answer firsthand many of the questions you may have about the school's facility (for a discussion of those questions, see page 14). As with other information-gathering activities, the drawback of site visits is the time required to conduct them.

Handling unsolicited information

During the process of reviewing charter applications, you may receive unsolicited information about one or more applicants. Supporters of the school may write you letters endorsing the application. Parents hoping their children can attend the proposed school may call and ask you to approve the charter. Opponents of the would-be charter school may show up at your office to make the case for rejection. Letters to the editor written by both sides may cross your desk. It will be up to you to decide whether and how to factor this sort of information and opinion into your decision making.

The key issue is whether a particular submission provides you with new and factual information relevant to your criteria. If it does, then it may be useful to take it into account. Consider the following examples.

- Suppose you represent the state board of education and you receive an application in which the budget depends heavily on the school's ability to contract with its local school district at favorable rates for a variety of services.

- Suppose that you receive a letter signed by the local school superintendent and every member of the local school board decrying the proposed school and pledging to do anything in their power to stop the school from opening. The point is not that the school officials' opposition should tip the scales against the school; indeed, many charter schools come into existence precisely because local officials resist their ideas. The point here is that this applicant needs to rethink its budget in light of the extreme unlikelihood of favorable contracts with the school district.

- Suppose your process included a public hearing, and at the hearing most of the two dozen people who show up speak out against a particular applicant. If community support is one of your criteria, the public hearing represents a mark against the applicant. But suppose the local paper conducts a scientific survey of the public and

reports that among those who have an opinion, some three-quarters support the proposed school. Though unsolicited, this piece of data may alter your assessment of the school's support base.

- Suppose you receive two different calls from school district officials you know concerning a particular charter applicant. The bottom line of both conversations is that the principal figure involved in the proposed school has worked in both districts and has proven to be a "troublemaker." Interpreting this information requires some real care. What exactly was the nature of the "trouble" this person made? Were funds mishandled, or were school officials just rankled by a break-the-mold approach to education?

Databases: keeping track of information

One challenge for chartering entities is simply keeping track of the information they gather on charter applicants. If you have a large volume of applications, it may make sense for you to create a computerized database to record a standard set of facts about each applicant. A well-designed database will save you the time of looking back over pages of applications, searching for an answer to a question that has come up. It may also prove useful after the review process is over as the starting point for a database of charter schools.

The structure of the database should mirror your RFP and, ultimately, your criteria. It should contain a field for every item of information you request on the RFP or expect to gather in subsequent inquiries, such as background checks. You should carefully think through how you might want to sort and categorize applications, and be sure to include fields that will allow you to do so. For example, your process might require you to make distinctions between groups proposing to serve different student populations, different age groups, different locations, and the like. Your database should allow you to sort applicants quickly according to these and other important characteristics.

Confidentiality issues

The question of confidentiality presents some difficult issues for chartering entities. On one hand, applicants are proposing to become public schools. Arguably, the public has a right to know what applicants are proposing to do and who is involved in putting the school together. Your state charter law or other state laws probably requires some degree of openness in the process, openness that precludes complete confidentiality for applicants.

On the other hand, there are several reasons why applicants may justifiably call for some level of confidentiality. First, members of the applicant team who are also proposed employees of the school may not be anxious for their current employers to find out they are, in effect, applying for a new job. Second, since the politics of charter schools are often very tense in local areas, some parents may be reluctant to have a list of prospective families for a charter school become a matter of public record even before the school is approved. Some would argue that entering the charter arena involves taking risks, and that those risks include your employer's learning of your intentions to work in the proposed school or your neighbors' finding out that you hope to transfer your children to a charter school. Others would counter that placing such a heavy burden of personal risk on individuals before the charter is even approved will discourage many qualified applicants from stepping forward.

State law may well dictate your approach to this issue. But even if the law requires all applications, including the names of applicants, to become a matter of public record, it probably does not require you to publish all of this information in the newspaper. Rather, it probably requires you to make available certain information to anyone who requests it. If you are concerned about confidentiality, you can caution your staff and others involved in the review process not to go out of their way to broadcast information about applications to the public while the process is still underway. Under this approach, if

someone requests a piece of information, you will provide it according to whatever procedures the law requires. But you will not volunteer the information if you are not asked.

CHAPTER 6: Making Application Approval Decisions

Handling incompleteness of applications

Most charter applications will be incomplete in some way. Overall, an application may appear solid but have areas that could use a little more work, or could benefit from some advice and assistance in some aspect of its design. In light of this inevitable incompleteness, there are three basic options.

- Option one is to judge applications as they are, rejecting them if their missing pieces leave them below whatever standard is set for approval. Applicants can address the objections and resubmit their applications in some future cycle.
- Option two is to consider issuing conditional or deferred approvals, effectively giving applicants the chance to address deficiencies after approval.
- Option three is to structure into the review process a chance for applicants to revise and resubmit applications in response to comments.

If there is a rolling process of consideration, there is really no difference between the first and third approaches. But if it is an annual process of review, the third option provides a way of helping applicants improve their proposals without having to wait an entire year to resubmit them. If the aim is to have more qualified schools emerge at the other end of the review process, the opportunity to improve applications in mid-stream may help.

A review team's provision of advice to applicants raises concerns similar to those that arise when chartering entities provide assistance to applicants before their applications are due. Preliminary review and advice have clear advantages, but are not without their own pitfalls. To begin with, they take time and may lengthen the overall review process. Carefully consider all of the issues before instituting processes to handle incompleteness.

OPTIONS:

How to Deal with Incomplete Applications

Reject: If applications do not meet your standards as submitted, you may choose to reject them outright.

Conditionally approve: If you are satisfied with an application with the exception of some details, you can approve it conditional upon those details being addressed.

Invite to revise and resubmit quickly: Provide feedback to applicants, giving them the chance to improve their proposals before final decisions are made.

SAMPLE: Massachusetts' Preliminary Application Process

Massachusetts' application timeline makes it possible for applicants to revise and resubmit their proposals before the state board of education makes its final decisions:

Late November: Preliminary applications may be submitted for early review (though no applicant is required to submit a preliminary application).

By January 15: Staff and volunteers review applications and, if possible, conduct formal interviews of applicants. Staff provide applicants with comments on their applications, pointing out areas where proposals might be improved.

February 15: Final applications are due.

March 15: Final decisions are made by State Board of Education.

Issuing and managing conditional or deferred approvals

If only applicants who were 100 percent ready to open their schools were approved, you would not approve very many charter schools at all. Especially in the case of start-from-scratch schools, applicants will be at various stages of readiness when it comes time to issue approvals. Typically, schools will have a great deal of work left to do before they can open their doors to students. Some applicants, though not yet ready, appear fully capable of filling in the gaps in time for school to start. In these cases, conditional or deferred approvals might be an appropriate disposition for the application.

A conditional approval allows a school to move forward with confidence and with a stamp of approval, even if only a conditional one, from the chartering entity. The conditional "yes" may make it easier for the school to negotiate a lease or purchase a facility, obtain a loan, or execute some other kind of agreement that demands a long-term commitment. Refusal to grant conditional approvals may create a catch-22 for a prospective school: you will not approve the school because it lacks a building, for example, but no one will lease the school a building because you will not approve it. An approval conditional upon obtaining a suitable facility breaks this cycle without imposing any risk on the chartering entity.

Conditional approvals also serve another useful purpose. Once final approval is granted the chartering entity will need to execute a contract with the school specifying what the school will do and how well it will perform. The backbone of this contract will be the school's charter application. If there are certain aspects of the application that do not satisfy the chartering entity, revisions prior to incorporating the application into a formal contract should be made. Suppose, for example, that an applicant did not spell out clearly enough the measurable goals it expects students to achieve. An approval conditional upon producing an acceptable set of measurable goals allows the school to get to work on its start-up process, while ensuring that the eventual contract will include adequate performance targets.

Two caveats go along with a system of conditional approvals. First, the chartering entity must ultimately draw the line between a conditional approval and an outright rejection. In principle, conditional approval could be granted to all applicants. For some particularly ill-prepared applicants, the list of conditions would be very long indeed, amounting to a complete rewrite of the application and a complete reconfiguration of the applicant team. Granting such a conditional approval would not serve the chartering entity or the applicant well. Sometimes it is better just to say "no."

Second, conditional approvals must be managed. If approvals are issued contingent on certain actions or events, be prepared to follow up with schools to ensure they meet the requirements imposed. This kind of follow-up will require the continued investment of

staff or consultant or volunteer time in the charter review process. To make this process easier, set forth clear definitions and deadlines by which each condition must be fulfilled. A clear timeline will give the applicant a helpful framework and make monitoring and enforcement more straightforward.

> If you issue approvals contingent on certain actions or events, you must be prepared to follow up with schools to ensure they meet the requirements you have imposed.

Managing an appeals process

This section is addressed to a specific sub-group of chartering entities: those charged with hearing appeals of decisions of other chartering entities. Actually, bodies charged with responsibility for appeals may not be chartering entities at all. Colorado's state board of education, for example, hears appeals. However, they direct the local school boards to grant charters, rather than granting charters themselves. The decision-making process they must go through may resemble a charter review process in many ways.

The place to begin in structuring an appeals process is, of course, the charter statute. The statute may set forth legitimate grounds for appeal, a set of procedures that must be followed in hearing appeals, or a list of reasons to invoke in overriding the decision of another chartering entity. In advance of the review of applicants it is wise to lay out all of this in as much detail as possible so that everyone involved—from applicants to initial chartering entities to the review team—understands what the law requires. For example, are there certain requirements that must be met before an appeal is granted? Can an applicant revise the proposal between the initial rejection and the appeal?

There may be very little discretion about what sorts of appeals can be heard, the process to follow, or the standards of review that are applied. To the extent that there is some flexibility, the critical issue to address is whether or not to conduct a substantive evaluation of the charter applications in question.

Q&A: *Should entities managing appeals processes conduct substantive reviews of charter applications?* Some charter laws charge appeals entities solely with determining whether or not applicants received a "fair shake" from their chartering entities. Under these circumstances, the review will focus not on the substance of the charter application, but on the process the chartering entity followed in its review. If it is determined that the chartering entity reviewed the application with some care and then rejected it based on some set of legally defensible criteria, then the rejection most likely will be upheld even if the school's substantive proposal appeals to you.

The alternative, if permitted by law, is to conduct a substantive review of the appealed applications, making a final decision based on the kinds of factors this guide has discussed. The downside of substantive review is that it requires the appeal body to construct and carry out a nearly full-blown charter review process, just like the one described in these pages. The appeals board must establish criteria, devise a decision-making process, gather supplemental information, and arrive at judgments. The upside of a substantive review is that it ensures that decisions about whether schools have the chance to open rest on judgments about what is best for children. For that reason, it is worth considering if the law allows it.

If the appeals board chooses to conduct a substantive review, a decision must be made about what weight, if any, to place on the other entity's decision to reject. At one extreme, absolutely no weight could be placed on the rejection, initiating a review of the application afresh. At the other extreme, the other entity's rejection could be regarded as establishing a presumption against approval, with the rejection being overridden only if the application meets a very high standard of quality.

Last, it should be noted that some charter laws allow approvals as well as rejections to be appealed to higher authorities. This discussion so far has assumed that appeals concern rejected applications, but the tables could be turned. The same basic points apply, however, regarding the question of whether to engage in substantive review of the approved applications or not.

Reporting the reasons for your decisions

When the charter school review process is completed, the last decision to make is whether and how to report the reasons for decisions to the applicants and to the public. Reasons for rejection, of course, are likely to attract the most attention, so they are the focus of this section. There are two reasons to think hard about the explanations you provide:

1) Consider the possibility that rejected applicants may bring lawsuits against the chartering entity, claiming that it did not treat them fairly or legally in the application process. Statements made about the reasons for decisions could be used against the agency in court. The possibility of a lawsuit does not necessarily suggest not documenting and reporting explanations for actions. If no explanation is made, you could be accused of acting arbitrarily. If explanations are provided the chartering entity could be accused of applying criteria unevenly, or the like. Obtain the counsel of legal advisors before proceeding.

2) Take into account the educational value of good explanations. If the aim of the charter program is to generate high-quality schools for kids, there is something to be said for educating applicants about what it takes to obtain a charter. If reasons for rejection are spelled out clearly, applicants know what they need to work on in order to make the grade next time. Further, the educational value of explaining the decision extends beyond those rejected. Future cohorts of charter applicants will look closely at the reasons for saying "no" in order to overcome the deficiencies of their predecessors.

CHAPTER 7: Improving the Process

To help prepare this guide, some of the nation's most experienced charter school reviewers came together for a two-day discussion session. The people around the room had collectively reviewed hundreds of charter school applications. Still, lightbulbs were going on in peoples' heads as they listened to their peers from other states and districts. Even seasoned veterans of charter school reviews can find ways to improve their processes.

> *"Our process may not be the perfect way or the perfect instrument or the perfect form, but we are improving the process as we go along. That's what quality is all about: continuous improvement."*
>
> Mamie Thorns
> Senior Associate Director, Charter Schools Office,
> Central Michigan University

As you design and conduct your review, be on the lookout for ways to improve for the next time around. Pull your review team together for one more session, and debrief.

Questions to ask yourself:

About your criteria and decision making

- Did you leave anything out of your official criteria that you came to regard as important?
- Did you state the criteria clearly enough so they provided a meaningful guide to decision making?
- If you used a numerical scoring system, did the numbers that emerged make sense and prove helpful?
- In what ways did you have trouble making decisions?

About your RFP and information gathering

- Were there glaring omissions, questions you wish you had posed?
- Did some questions fail to elicit the kind of information you hoped to obtain?
- Can you think of ways to reword or clarify your requests?

About your assistance to applicants

- What kinds of questions did applicants ask during the process?
- Are there ways common questions could be answered more efficiently the next time around?
- What other kinds of assistance to applicants would have improved their proposals and made your job easier?

About the pool of groups that applied

- Did your pool contain a good mix in terms of geography,

demographics, type of organizing group (parent, teacher, community), educational approach, grade level, and so forth?
- What could you do to encourage more applications from underrepresented groups?

About the overall process

- Was it carried out in accordance with the statute's requirements?
- Did various parties, including but not limited to applicants, regard it as fair?
- Was it valuable to applicants educationally? Did applicants emerge from the process better prepared to open their schools?
- Did the process lay the groundwork for holding the approved schools accountable once they are open?
- Did it launch your relationship with approved schools on steady footing?

Most importantly, did you charter a set of schools that offer promising new options for children?

Beyond an internal debriefing, consider soliciting the opinions of applicants, both successful and unsuccessful, through surveys or focus groups. If you do so, prepare yourself to undergo criticism. Applicants who are turned down will often not be pleased, no matter how "fair" you regard the process. While you may find it necessary to take some of their comments with a grain of salt, they may have some useful suggestions.

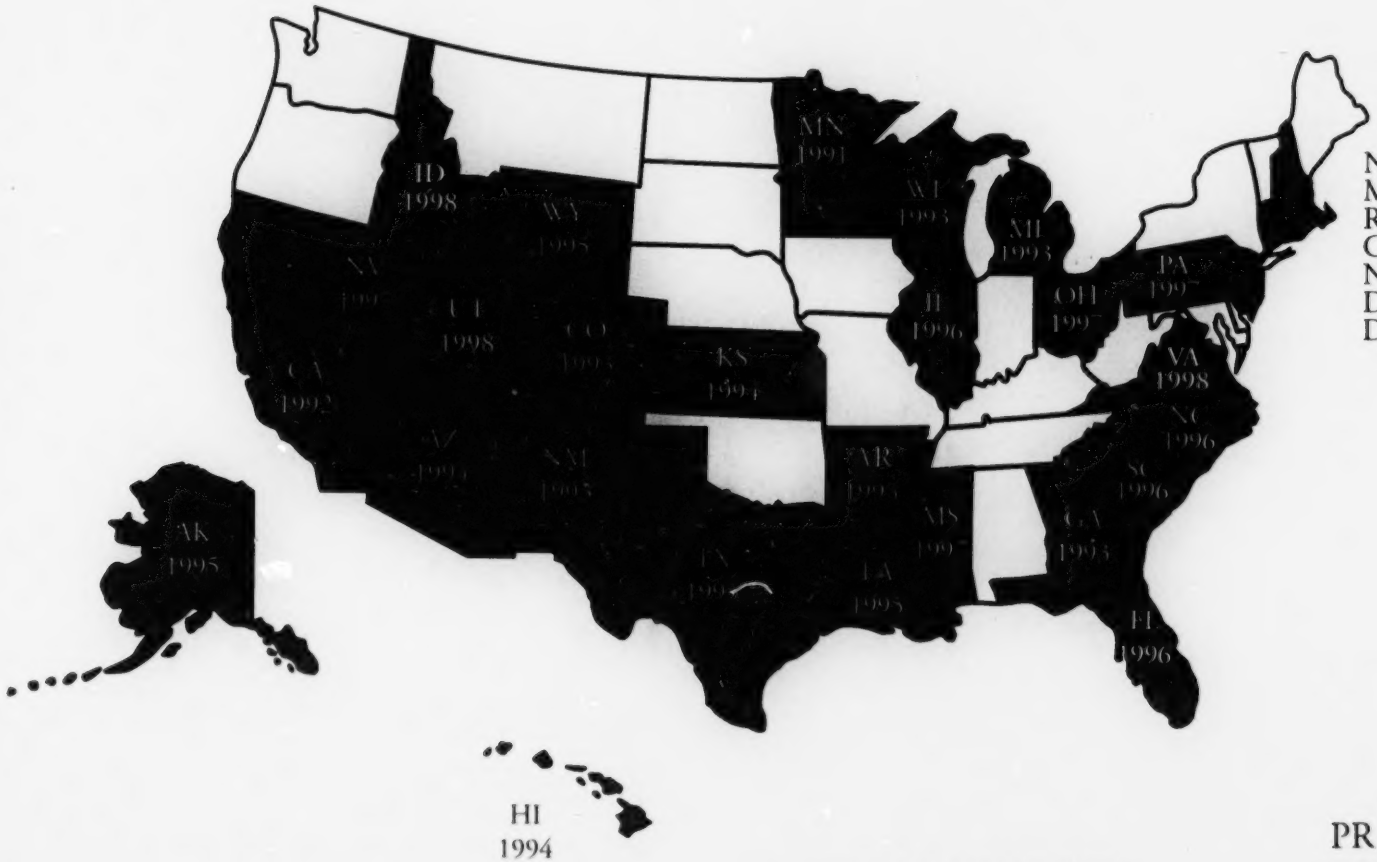
Conclusion

Because state laws and local circumstances differ so much, there is no magic formula for designing an effective charter school review process. In these pages we have pointed out some of the important issues to consider, explored some of the pluses and minuses of different courses of action, and explained how some of the nation's experienced chartering entities handle their processes. In the appendices, you will find more information about how others proceed and where to obtain more information. We hope you can take these ideas and adapt them to your unique situation.

Charter school programs present both opportunities and responsibilities to those who manage them. They have the potential to create new options for children who need them; to spark innovative practices or improve upon traditional ones; to pioneer new ways of holding schools accountable for results; to have an impact beyond the walls of charter schools, on public education as a whole. It is these possibilities that have led so many states and communities to put charter schools into action.

But with these opportunities comes the responsibility of stewardship, a need to balance enthusiasm with caution. Charter laws entrust chartering entities with the job of demanding excellence from charter schools, with ensuring that they act in the best interests of students. Putting in place an effective selection process is just one of several ways chartering entities can fulfill this public trust, but it is the first and perhaps most important. Linked with strong technical assistance for applicants and schools, and with rigorous accountability for performance, a well-designed charter school selection process will help charter schools live up to their promise.

APPENDIX A: U.S. Charter School Laws as of April 1998



NH	1995
MA	1993
RI	1995
CT	1996
NJ	1996
DE	1995
DC	1996

PR 1993

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APPENDIX B: Official Contacts for Charter Information

Alaska:
Marjorie Menzi, Charter School Liaison,
Alaska Department of Education
Phone: (907) 465-8720

Arizona:
Mary Gifford
Executive Director, State Board for Charter Schools,
State Board of Education
Phone: (602) 542-3411
e-mail: mgiffor@mail1.ade.state.az.us

Lyle Skillen
Director, Charter Schools,
State Board of Education
Phone: (602) 542-5968
e-mail: lskille@mail1.ade.state.az.us

Kathi Haas
Director, Charter Schools Administration,
State Board of Education
Phone: (602) 542-8264
e-mail: khaas@mail1.ade.state.az.us

Arkansas:
Bill Ballard, Director of Charter Schools,
Arkansas Department of Education
Phone: (501) 682-4219

California:
David Patterson, Education Consultant,
Charter Schools Unit,
California Department of Education
Phone: (916) 327-5929
e-mail: dpatterson@cde.ca.gov

Colorado:
William Windler
Senior Consultant for School Improvement,
Colorado Department of Education
Phone: (303) 866-6631
e-mail: Windler_W@cde.state.co.us

Connecticut:
Yvette Melendez Thiesfield
Charter School Program,
Connecticut State Department of Education
Phone: (860) 566-1233
e-mail: yvette.thiesfield@po.state.ct.us

Delaware:
Larry Gabbert
Charter School Administrator,
Delaware Department of Public Instruction
Phone: (302) 739-4885

District of Columbia:
Angela Christophe, Eunice Henderson,
David Mack - (staff)
District of Columbia Public Charter School Board
Phone: (202) 887-5011

Richard Wenning
Senior Policy Advisor, D.C. Public Schools
Phone: (202) 724-4222

Florida:
Tracey Bailey
Director, Office of School Choice and Charter
Schools, Florida Department of Education
Phone: (904) 414-0780
e-mail: baileyt@mail.doe.state.fl.us

Georgia:
John Rhodes, Director,
School Renewal and School Improvement Program,
Georgia Department of Education
Phone: (404) 656-0644

Hawaii:
Art Kaneshiro, Charter School Administrator,
Hawaii Department of Education
Phone: (808) 586-3124

Illinois:
Sally Vogl, Principal Planning Consultant,
State Board of Education
Phone: (217) 782-0541

Greg Richmond, Assistant Chief of Staff,
Chicago Public Schools
Phone: (773) 535-3901

Kansas:
Phyllis Kelly, Charter School Administrator,
State Department of Education
Phone: (913) 296-3069

Louisiana:
Bill Miller, Interim Coordinator,
Louisiana Charter School Program,
Louisiana State Department of Education
Phone: (504) 342-3603

Maine:
Edwin Kastuck, Maine Department of Education
Phone: (207) 287-5922

Massachusetts:
Scott Hamilton
Associate Commissioner for Charter Schools,
Massachusetts Department of Education
Phone: (617) 727-0075

Michigan:
Gary Cass, Project Officer,
Public School Academies,
Michigan Department of Education
Phone: (517) 373-4631
e-mail: cassg@state.mi.us

Minnesota:
Bill Allen, Charter School Administrator,
Minnesota Department of Children, Families,
and Learning
Phone: (612) 296-9613

Mississippi:
Walter Moore
SouthEastern Regional Vision for Education
Phone: (601) 359-3501

Missouri:
Susan Cole, Coordinator, State Programs,
Department of Elementary Education
Phone: (603) 271-3879

Nevada:
Keith Rheault, Deputy Superintendent,
Nevada Department of Education.
Phone: (702) 687-9158

New Hampshire:
Patricia Busselle
Administrator for Legislative Affairs,
New Hampshire Department of Education
Phone: (603) 271-3879

New Jersey:
Dalia DeGeorgedes
Director, Office of Innovative Programs,
New Jersey State Department of Education
Phone: (609) 292-5850

New Mexico:
Michael Kaplan, Charter School Administrator,
New Mexico State Department of Education
Phone: (505) 827-6635

North Carolina:
Grova L. Bridgers
Director, Office of Charter Schools,
Department of Public Instruction
Phone: (919) 715-1730

Ohio:
John Rothwell
Community Schools Commission,
Ohio Department of Education
Phone: (614) 466-2937

Oregon:
Leon Fuhrman
Office of Student Services,
Oregon Department of Student Services
Phone: (503) 378-5585 ext. 682

Pennsylvania:
Tim Daniels, Charter Schools Program,
Pennsylvania Department of Education.
Phone: (717) 783-9781

Puerto Rico:
Angel Melendez, Executive Director,
Educational Reform Institute,
Puerto Rico Department of Education
Phone: (787) 765-9772

Rhode Island:
Steve Nardelli, Charter School Administrator,
Rhode Island Department of Education
Phone: (401) 277-4600 x2209

South Carolina:
Chip Jackson
Special Assistant for Charter Schools,
South Carolina Department of Education
Phone: (803) 734-8092

Texas:
Brooks Flemister, Director,
Charter Schools, Texas Education Agency
Phone: (512) 463-9575
e-mail: bflemist@tmail.tea.state.tx.us

Washington:
Jean Ameluxen
Legislative Coordinator,
Washington Department of Education
Phone: (360) 586-6906

Wisconsin:
Tom Stefonek
Wisconsin Department of Education
Phone: (608) 266-5728

Wyoming:
David Crossley
Federal Improvement Programs Unit,
Wyoming State Department of Education
Phone: (307) 777-3498

APPENDIX C: Support Organizations for Charter Schools

Charter Friends National Network
Ted Kolderie /Jon Schroeder
1355 Pierce Butler Route, Suite 100
St. Paul, MN 55104
(612) 644-5270 fax: (612) 645-0240

Arizona
Arizona Charter School Association
Eddie Farnsworth
(602) 632-0722

Goldwater Institute
Jeff Flake
(602) 256-7018

California
CANEC
Sue Bragato
(415) 598-8192

Charter Schools Project
Institute for Educational Reform
California State University-Sacramento
Eric Premack
(916) 278-4600

Pacific Research Institute
Pam Riley
(415) 989-0833

Colorado
Colorado League of Charter Schools
Jim Griffin
(303) 989-5356

Connecticut
Connecticut Center for School Change
Nancy Martin
(860) 586-2340

Delaware
Suzanne Donovan
Innovation in Education Initiative, Inc.
(302) 424-1545

District of Columbia
Committee on Public Education (COPE)
Ken Campbell
(202) 835-9011

Florida
Jonathan Hage
The Charter Foundation
(954) 564-2221

Institute for At-Risk Infants,
Children and Youth and Their Families
University of South Florida-Tampa
Lynn Lavely
(813) 974-3700

Illinois
Leadership for Quality Education
John Ayers, Margaret Lin, Katie Kelly
(312) 853-1210

Massachusetts
Massachusetts Charter School Resource Center
Pioneer Institute
Linda Brown
(617) 723-2277

Michigan
Central Michigan University
Office of Charter Schools
Mamie Thorns
(517) 774-2100

MI Resource Center for Charter Schools
Ormand Hook
(517) 774-2590

MI Association of Public School Academies
Jim Goenner
(517) 374-9167

Minnesota
MN Association of Charter Schools
Ralph Brauer
(612) 645-1986

Center for School Change
Humphrey Institute
Nancy Smith
(612) 625-7552

Missouri
Charter Schools Information Center
Laura Friedman
(314) 726-6474

Nevada
Nevada Charter Schools Project
Ricci Elkins
(702) 324-4006

New Hampshire
Charter School Resource
Sue Collins
(603) 643-6115

New Jersey
NJ Charter School Resource Center
Sarah Tantillo
(732) 296-8379

North Carolina
NC Charter School Resource Center
Thelma Glynn
(919) 682-1500

Education Reform Foundation
Vernon Robinson
(919) 781-1066

Ohio
Community Schools Network
Cooper Snyder
(614) 848-8252

Oregon
Center for Education Change
Richard Meinhard
(503) 234-4600

Pennsylvania
Charter Schools Project at Duquesne University
Jeremy Resnick
(412) 396-4492

Charter School Resource Center
Commonwealth Foundation
Sean Duffy
(717) 671-1901

Technical Assistance Center for Charter Schools
Drexel University/FOUNDATIONS
(215) 925-6088
(609) 727-8000

Texas
Charter School Resource Center of Texas
Patsy O'Neill
(210) 408-7890

Texas Charter School Association
Ron Pokorny
(214) 368-3238

Wisconsin
WI Charter School Resource Center
Howard Fuller/Cindy Zautche
(414) 288-5775

Wisconsin Charter School Association
Cindy Zautche
(414) 963-1459

APPENDIX D: Other Helpful Documents

Documents you can obtain from chartering entities

Arizona:
Charter Schools Handbook,
Arizona Department of Education

For more information contact:
Cassandra Larsen
Executive Director, State Board for Charter Schools
State Board of Education
1535 W. Jefferson Street
Phoenix, AZ 85007
Phone: (602) 542-3411
Fax: (602) 542-3590
E-Mail: clarsen@mail1.ade.state.az.us
http://www.ade.state.az.us:80/index.html

Colorado:
Colorado Charter School Information Packet and Handbook,
Colorado Department of Education

For more information contact:
Bill Windler
Senior Consultant, School Improvement
Colorado Department of Education
201 E. Colfax Ave.
Denver, CO 80203
Phone: (303) 866-6631
Fax: (303) 830-0793
http://www.ede.state.co.us/

Chicago, Illinois:
Chicago's Charter Schools: 1997 Suggested Application Format,
Chicago Public Schools
Illinois State Board of Education

For more information contact:
Greg Richmond, Assistant Chief of Staff
Chicago Public Schools
Phone: (773) 535-3901
http://www.isbe.state.il.us/

Massachusetts:
Charter School Application,
Massachusetts Department of Education, 1997

For more information contact:
Scott Hamilton
Associate Commissioner for Charter Schools
Massachusetts Department of Education
Room 1403
1 Ashburnton Place
Boston, MA 02018
Phone: (617) 727-0075
Fax: (617) 727-0049
http://info.doe.mass.edu/

Michigan:
Application Packet, Public School Academies,
Michigan Department of Education

For more information contact:
Gary Cass
Supervisor, Public School Academy Program
Michigan State Department of Education
P. O. Box 30008
Lansing, MI 48909
Phone: (517) 373-4631
Fax: (517) 241-0197
http://www.mde.state.mi.us/

North Carolina:
Another Choice... Application Packet for Charter Schools Planning to Begin Operations for the 1998-99 School Year,
Public Schools of North Carolina, July 1997

For more information contact:
Grova L. Bridgers
Office of Charter Schools
Department of Public Instruction
301 N. Wilmington Street
Raleigh, NC 27601-2825
Phone: (919) 715-1730
Fax: (919) 715-9740
http://www.dpi.state.nc.us/

Other charter school resources

Millot, Marc Dean (1996). *A Guidebook for Chartering Agencies.*
Santa Monica, CA
University of Washington/RAND

Millot, Marc Dean and Robin J. Lake (1996).
So You Want to Start a Charter School? Strategic Advice for Applicants.
Santa Monica, CA
University of Washington/RAND

For more information contact:
Distribution Services, RAND
Santa Monica, CA 90407-2138
Phone: (310) 451-7002
Fax: (310) 451-6915
order@RAND.org
www.rand.org

Pioneer Institute for Public Policy Research. (1998)
The Massachusetts Charter School Handbook.
Boston, MA

For more information contact:
Pioneer Institute
85 Devonshire Street, 8th Floor
Boston, MA 02109
Phone: (617) 723-2277
Fax: (617) 723-1880
http://www.pioneerinstitute.org/

Premack, Eric. (1997) *Charter School Development Guide: 1997 California Edition.*
Sacramento, CA

For more information contact:
Eric Premack
Institute for Education Reform
California State University, Sacramento
6000 J Street
Sacramento, CA 95819-6018
Phone: (916) 278-4600
Fax: (916) 278-4094
http://www.csus.edu/ier/

U.S. Charter Schools website:
http://www.uscharterschools.org/

APPENDIX E: Sample Statutes, Criteria, and Procedures from Charter States

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Sample Statutes: Who Can Issue Charters And How The Appeals Process Works

State	Chartering Entity	Appeals Process
Arizona	Local school boards, state board of education, or state board for charter schools	None
California	Local school boards	Applicants can appeal denial to county superintendent, who will convene a review panel. Panel can send application back to local board for reconsideration. If application is still denied, applicants can appeal to county board of education, which will make a decision to approve or deny.
Colorado	Local school boards	Applicants can appeal denial to state board. State board will hold public meeting to review local board decision and can send application back to local board for reconsideration. Local board will hold public hearing and make a decision. Applicants can appeal this decision to the state board. State board will hold public meeting and can send application back to local board with instruction to approve or deny it. State board decision at this point is final.
Massachusetts	State board of education	None

Who Can Issue Charters And How The Appeals Process Works (continued)

State	Chartering Entity	Appeals Process
Michigan	Local school boards, intermediate school boards, boards of community colleges, governing boards of state public universities	If application is denied by the local school board, applicants may petition board to place question of granting contract on ballot to be decided by district voters (petition must have signatures of 15 percent of voters of district and information about the school). It will be voted on at next annual school election held at least 60 days after receiving petition. If majority of voters agree, board will grant contract. No other appeals process mentioned in law.
North Carolina	Local school boards, boards of trustees of a constituent institution of the University of North Carolina, state board of education may grant preliminary approval. State board has final approval	Applicants denied by local boards or universities can appeal to the state board. State board's decision is final.

Sample Statutes:
Total Number Of Charters Allowed Per State

State	Number Of Charters Allowed	Details
Arizona	No limit	State board of education and State Board for Charter Schools may charter up to 25 schools each per year. Local boards may charter unlimited number.
California	100	No more than 10 charter schools per school district. However, state board has authority to grant waivers to this provision and to the overall limit of 100.
Colorado	No limit	Local boards may "reasonably limit" the number of charters in their district.
Massachusetts	50	There may be 37 state-approved "commonwealth" charters and 13 district conversion "Horace Mann" charters. "Commonwealth" charters may serve no more than 2 percent of statewide public school population.
Michigan	No limit on number of charters authorized by local school boards, intermediate school boards, or community colleges.	The combined number of charter schools that may be authorized by all state public universities must not exceed 125 in 1998 or 150 in 1999. No single university may authorize more than 50 percent of the university total.
North Carolina	100	No more than 5 charter schools per school district per year.

Sample Statutes:
Examples Of Criteria Set Forth In North Carolina Law

The law states that the chartering entity shall approve an application if it determines that:

- information contained in the application meets the requirements of the charter law
- the applicant has the ability to operate the school and would be likely to do so in an educationally and economically sound manner
- granting the charter would improve student learning and would achieve one of the other following purposes of the law
    1. increase learning opportunities for all students, with a special emphasis on at-risk students
    2. encourage the use of innovative teaching methods
    3. create new professional opportunities for teachers
    4. provide parents and students with expanded educational choice
    5. hold the school accountable for meeting measurable student achievement goals

Chartering entities are encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to at-risk students. The law prohibits granting charters to schools affiliated with a nonpublic sectarian school or religious institution.

Sample Statutes: Required Steps In The Application Process

State	Required Steps
Arizona	The applicant may submit its charter application to either a local school board, state board of education, or state board for charter schools. Chartering entity must make its decision within 90 days of application receipt.
California	Within 30 days of receiving a petition, the governing board of the school district holds a public hearing on charter provisions. Within 60 days of the hearing, the governing board makes a final decision. Petitioners can appeal a denial to the county superintendent, who will convene a review panel. The review panel can send the petition back to the governing board for reconsideration. If the governing board still denies the charter, petitioners can appeal to the county board of education (no deadlines exist for any of the above in the law), which holds a public hearing within 30 days and decides within 60 days of the hearing.
Colorado	Applicant must file with the local board by October 1. The board holds community meetings and makes a decision within 60 days of application receipt. The applicant and board may jointly waive deadlines. Applicant must appeal within thirty days of the decision. Within 60 days of the appeal, the state board will hold a public meeting to review the local decision. The state board can send the application back to the local board for reconsideration. The local board has 30 days to hold a public hearing and make a final decision. Applicant can appeal this decision within 30 days. The state board will hold a public meeting within 30 days of the second appeal and can send the application back to the local board with instructions to approve it. The state board decision at this point is final.
Massachusetts	Final applications must be submitted by February 15. Secretary of education reviews all final applications by no later than March 15.

Sample Statutes: Required Steps In The Application Process (continued)

State	Required Steps
Michigan	The law does not specify a process, except when the applicant is denied by the local board. In that case, the applicant may petition the board to place the question of granting the contract on a ballot to be decided by school electors of the district (petition must have signatures of 15 percent of voters of the district and information about the school). It will be voted on at the next annual school election held at least 60 days after receiving the petition. If majority of voters agree, the board will grant the contract. No other appeals process is mentioned in the law.
North Carolina	Application deadline is October 31. All preliminary decisions are made by February 1. All applications receiving preliminary approval and all appeals are due to the state board by February 14. The state board makes a final decision by March 15.

Sample Massachusetts Education Criteria

Mission Statement

1. Does the applicant have a clearly articulated vision for an innovative school?

2. Does the mission statement reflect an understanding of the charter school model and the legislative purposes established in the charter school law?

3. Does the mission reflect an understanding of the school's role in the context of education reform overall?

School Objectives

1. Does the applicant have clear, measurable, sound goals around which to build the educational program?

2. Do the objectives foster high expectations, both academic and non-academic, for all students?

Educational Program

1. Does the proposed educational program reflect the purposes and objectives of the school and its guiding beliefs about the way in which students learn and achieve personal development?

2. Is the educational program described in this section based on a sound educational model or approach?

3. Are the teaching methods to be used comprehensive?

4. Does the applicant adequately describe how the educational program will meet the needs of all students served?

5. Does the educational program offer students an alternative to what is currently available to students in traditional public schools?

6. Has the applicant demonstrated how the educational programs described in this section will improve student achievement and satisfy any statewide performance standards?

7. Does the applicant explain how the school calendar and hours of operation will further the school's mission, goals, and objectives?

8. Do the proposed bilingual and special education programs convey a climate of high expectations for all students?

Student Performance

1. Does the applicant provide a well-developed, comprehensive plan for assessing student performance?

2. Will the school rely on innovative assessment techniques for assessing student performance?

3. Is student assessment designed to assure that students have met the academic standards set forth in the school's goals and objectives?

4. Does the applicant demonstrate commitment to high academic standards for all students?

5. Does the applicant demonstrate how the school's assessment mechanisms will lead to effective remediation plans for underperforming students?

6. Will the proposed charter school meet or exceed any state performance standards?

Sample Massachusetts And North Carolina Business Criteria

Facility

1. Has the applicant demonstrated an ability to secure a viable school facility? (MA)

2. Does the applicant have the means to ensure the facility's compliance with local building codes and health and safety laws? (MA)

3. Is the number of square feet, classrooms, and restrooms consistent with building code for the age of the students to be served? (NC)

4. Will the facility comply with ADA (Americans with Disabilities Act)? (NC)

5. Is there any potential conflict of ownership between management/governance of the school and ownership of real estate? (NC)

6. Will the location help foster the mission and goals of the school? (MA)

7. How do the costs compare to standard school facility operating costs? (NC)

Budget

1. Does the applicant present a reasonable and viable budget for potential start-up and planning costs of the school? (MA)

2. Does the applicant demonstrate a sound long-term budget and financial plan? (MA)

3. Is anticipated reliance on grants/private funds reasonable? (NC)

4. How do occupancy costs compare to market (office space market and school market rates)? (NC)

5. Have the applicants budgeted enough for adequate insurance? (NC)

6. Are funds set aside for facility maintenance (short-term if leased and long-term 3% if owned)? (NC)

7. Are the applicants building in a reasonable contingencies budget in short-term and fund balance in long-term? (NC)

8. How do salary ranges compare to standard public school scales? (NC)

9. Are adequate funds set aside for staff development? (NC)

10. Do budget figures match intended teacher/student ratios? (NC)

11. Are revenues calculated correctly? (NC)

12. Does the applicant present an adequate plan for review of financial records and budget? (MA)

Marketing

1. Does the applicant present a workable strategy for recruiting a sufficient number of students to open a school? (MA)

2. Is the recruiting and marketing plan likely to result in a diverse population? (MA)

Sample Massachusetts And North Carolina Governance And Organization Criteria

Governance

1. Does the applicant describe innovative management and governance structures? (MA)

2. Is there a clear description of how the board will be chosen, what the term limits will be, the roles and responsibilities of the board, the board's relationship to teachers and administrators, and how board members may be removed? (NC)

3. Does the applicant address the nature of parent, teacher, and student involvement in decision-making? (MA)

4. Do the bylaws meet the state's minimum legal requirements for whatever type of legal entity the school will be? (NC)

5. Does the school's governance structure enhance the school's ability to accomplish its goals, objectives, and mission? (MA)

Human Resource Information

1. Has the applicant developed an adequate human resource plan of operation, including policies for hiring, developing and terminating employees? (MA)

2. Has the applicant demonstrated that quality staff will be attracted by desirable working conditions and compensation packages? (MA)

3. Does the applicant hold high professional standards for teachers and other staff? (MA)

4. Has the applicant established a commitment to professional development for teachers and administrators? (MA)

Sample Massachusetts Legal Compliance Criteria

1. Does the applicant demonstrate a willingness and ability to accommodate special needs students?

2. Is the admission policy, as stated, non-discriminatory and will it ensure a diverse student body?

3. Does the applicant explain how the lottery will work if there are more eligible applicants than seats available at the school?

4. Does the applicant have the means to ensure the facility's compliance with local building codes and health and safety laws?

Sample Massachusetts And North Carolina Quality Of The Applicant Team Criteria

1. Is the founding coalition representative of the diverse groups comprising the community or school district where the school will be located? (MA)

2. Does the founding coalition have expertise or access to expertise in the following areas: financing/fundraising, educational/pedagogical development, human resource management, civic and/or community organizing? (MA)

3. Does the applicant detail a feasible plan for further recruitment of founders or organizers of the school, if necessary? (MA)

4. Are there any family relationships or other bonds among key individuals that might create a conflict of interest? (NC)

5. Are there any negative indications from credit/criminal record checks? (NC)

Mississippi's Scoring Process

Mississippi charter school petitions are reviewed by a seven-member panel. Each member reads the entire application, rates it using a 50-question rating scale, and gives it an overall score.

The rating scale: A rating of 1-5 is given for each of the 50 questions, 1 being the least favorable rating, 5 the most. The questions are equally weighted, so the highest possible score from any one reviewer is 250 points, the lowest possible score 50 points.

The overall score: Each reviewer gives an overall rating to each petition between 1 and 5, 1 being the lowest and 5 the highest possible overall score.

The seven reviewers' scores are compiled, the lowest and highest rating scale scores for each petition are eliminated, and a total rating scale score for each petition compiled. Any petition receiving an average rating scale score of less than 175 or an average overall score of less than 3 is eliminated. Six of the highest rated remaining petitions are recommended for approval to the State Board of Education, with adjustments made to ensure geographic spread and to give some priority to schools in low-performing school districts.

Sample Interview Questions From North Carolina

- What is the mission of your school?
- Who is your targeted student population? How does the mission relate to the target population? Why have you identified this group as the one you can best serve?
- If you don't already have a facility (or if your plans fall through) how will you go about finding and securing one? How will your educational program affect the choice of your facility and its location? How will you handle any renovations? What building inspectors have you spoken with?
- What makes you confident that the number of students you've budgeted for will come to your school? Describe the market research you've done. How will you advertise your school to the community?
- What do you estimate will be your total start-up budget and how do you intend to fund it? Have any resource commitments already been made?
- Describe the process by which you developed your budget. What budget management procedures are you planning to implement?
- How will you ensure that your student population reflects the diversity of your community?
- Describe your plan for meeting the transportation requirements.
- What consideration has been given to funding services for special needs students in the budget you have currently submitted? How will you modify your budget if you have a special needs student(s) enrolled?
- Please explain how you will meet the requirements of the state's academic accountability program. How will using the state's program impact your curriculum and instruction? What other student accountability requirements will you incorporate into your program? How will you measure student growth and document student success? How does your accountability plan reflect your mission and goals?
- Describe the basic structure of your school management and staffing plan. Describe the decision-making process for your school. What will be the decision-making relationship between your board, the administrators and the teaching staff?
- How will you recruit and hire administrators and teachers for your school? How will you ensure that the skills of your staff are aligned with the mission and curriculum and instruction model(s) of your school? How will you provide for the professional development of your school staff? What plans do you have for performance management and accountability for the staff?
- Elaborate on what you believe are the innovative aspects of your school program.
- Elaborate on your plans to evaluate your program, document your school's performance and meet a level of accountability equal to or higher than that of the local school district.
- Elaborate on your plans to involve parents, the community and business in support of your program. Why do you think this is important?

Excerpts from Massachusetts Department of Education Application for a Public School Charter 1997-1998

The Final Application

What should be included?

The Basics

Cover Page (Name and Location of Proposed School)

Information Sheet
See attached form

I. Abstract (one page)

Please summarize the proposed school's:

- Mission
- Educational philosophy
- Most important goals and expected outcomes

II. Narrative (limited to 17 pages)

1. Mission Statement
What is the purpose of this school?

2. Statement of need

A. Why is this kind of school needed in this community?
B. Why is a charter necessary in order for the program to exist or succeed?
C. What evidence exists that there is a sufficient demand for the educational program you are proposing?

3. Educational program

A. What will be the school's educational approach?
B. What will be the major sources for the school's curriculum?
C. What educational theory, school design, or teaching methodology will be the foundation of the educational program?
D. How will student performance be assessed?
E. How will students with special needs and those who cannot speak English proficiently be served in accordance with state and federal law?
F. How will the school's schedule and calendar (use of time, length of school day and year) be structured?

4. Accountability

A. How will the school define, measure, and demonstrate success?

B. Please list up to 5 clear and measurable student or school performance objectives and include how the school's progress will be measured relative to each of these objectives.

C. How will the school ensure that it meets its goals?

5. School environment

A. Please describe the ethos you expect to create in your school.

B. Please summarize the school's discipline policy or code of conduct.

6. Enrollment

A. How many students will be enrolled each year over the five years of the charter?

B. How will student applicants be recruited?

C. Describe your enrollment process, including a plan for a lottery.

7. Leadership & Governance

A. How will this school be governed?

B. Who will be the school's leader, or how will the Board select a leader?

C. Summarize the job descriptions of the Board, school director, and other key personnel.

8. Capacity

A. What collective experience does your applicant group bring to this venture?

B. Please summarize each founder's and/or board member's experience, qualifications and applicable skills.

C. Please provide a list of potential partnerships and accompanying letters of support.

9. Facilities and Student Transportation

A. Describe the viable options for a facility for this school.

B. Why were these sites chosen?

C. What renovations might be required? How might the renovations be financed?

D. Describe the transportation services that the school will provide to eligible students.

10. A day in the life of a student (no more than two pages)

Please describe a day in the life of a typical student in this proposed school.

III. Budget, Financial Management and Human Resources (limited to 5 pages)

1. Budget
Using the attached budget template (see attached), please describe the school's estimated costs and revenues.

2. Budget Narrative
A. Briefly justify expense projections and show the calculations of each line item in the budget.
B. Please explain who will manage the school's finances and what controls will be put in place.

3. Human resources
A. Please indicate the number of faculty to be hired and provide a summary of the hiring criteria for the school's teachers and staff.
B. What will be the salary range for teachers and administrators?
C. What is the school's plan for professional development?
D. How will faculty and administrators be evaluated?

IV. Action Plan (limited to 2 pages)

The applicant group's Action Plan should:
A. Outline the strategy for getting the school open.
B. Specify how responsibilities will be delegated, and to whom.
C. Provide a clear timeline from receipt of the charter to the opening of school.

V. Attachments (limited to 25 pages)

All attachments should be numbered and clearly referred to in the text. Choice of attachments are up to the applicant, though they should be used to provide evidence, support a particular aspect of the application, or lend insight into the applicant group. Here are some examples.
A. Letters of support from those who will partner with the school;
B. Resumes of potential Board of Trustees members;
C. Student code of conduct.

Massachusetts Department of Education

1. Application Information Sheet

(This sheet must be attached to the prospectus and final application.)

(Please Type)

Name of Proposed Charter School _____

School Address (if known) _____

School Location (City/Town) _____

Name of Group Applying for the Charter _____

Contact Person _____

Address _____

City _____ State _____ Zip _____

Daytime Tel: (_____) _____ Fax (_____) _____

E-mail: _____

The proposed school will open in the fall school year: ☐ 1998-99 ☐ 1999-000

School Year	Grade Levels	Total Student Enrollment
First Year		
Second Year		
Third Year		
Fourth Year		
Fifth Year		

School Districts from which students are expected to come (use additional sheets if necessary):

_____ _____ _____

_____ _____ _____

_____ _____ _____

_____ _____ _____

Projected Revenues and Expenditures

Appendix V

Charter School: _____

	Start-up Phase Feb. 98 - Sch. Opening	Fiscal Year 199____	Fiscal Year 1_____	Fiscal Year 1_____	Fiscal Year 1_____
I. Revenues					
Tuition					
State Grants					
Private Funds					
Other (Explain)					
Total Revenues					
II. Expenditures					
Professional Salaries					
Director/Headmaster					
Supervisors					
Teachers (FT)					
Teachers (PT)					
Payroll Taxes					
Benefits					
Total Professional Salaries					
Administrative Staff					
Clerical					
Custodial					
Consultants					
Other (Admin. Staff)					
Total Administrative Staff					
Facility					
Rent					
Mortgage					
Renovation/Construction					
Debt Service					
Utilities					
Total Facility					

Note: Massachusetts charter schools operate on the State's Fiscal Year cycle starting July 1st and ending June 30th.

Application for a Public School Charter 1997-1998

Projected Revenues and Expenditures

Appendix V

Charter School: _____

	Start-up Phase Feb. 98 - Sch. Opening	Fiscal Year 199____	Fiscal Year 1_____	Fiscal Year 1_____	Fiscal Year 1_____
Materials/Supplies					
Textbooks					
Instructional Equipment					
Office/Classroom Technology					
Library					
Office Furniture					
Classroom Furniture					
Other Equipment					
Total Materials/Supplies					
Other Costs					
Contracted Services					
Business Services					
Marketing/Development					
Staff Development/Training					
Transportation					
Food Service					
Total Other Costs					
Other Start-up Costs Only					
Curriculum Development					
Printing and Copying					
Student and Staff Recruitment					
Travel/Transportation					
Telephone/Fax/Postage					
Consultants					
Total Start-up Costs					
Total Revenues					
Total Expenditures					
Balance					

Appendix F: Federal Laws Applicable to Charter Schools

Age Discrimination Act of 1975, 42 U.S.C.A. 6101 et seq., with implementing regulations at 34 CFR Part 110;

Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C.A. 2000d et seq., with implementing regulations at 34 CFR Parts 100 and 101;

Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C.A. 1681 et seq., with implementing regulations at 34 CFR Part 106;

Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C.A. 12131 et seq., with implementing regulations at 28 CFR Part 35;

Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C.A. 794, with implementing regulations at 34 CFR Part 104;

and

Part B of the Individuals with Disabilities Education Act (Part B of IDEA), 20 U.S.C.A. 1411 et seq., with implementing regulations at 34 CFR Part 300.

DEPARTMENT OF EDUCATION
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